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BENGAL LEGISLATIVE ASSEMBLY
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Assembly Proceedings

Official Report

Bengal Legislative Assembly

First Session, 1947

The 18th, 19th, 21st, 22nd, 23rd, 24th, 25th, 28th, 29th and 30th April, and 1st, 2nd, 5th, 6th, 7th, 8th and 9th May, 1947.

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1948

GOVERNMENT OF BENGAL.

GOVERNOR OF BENGAL.

His Excellency SIR FREDERICK BURROWS, G.C.I.E.

MEMBERS OF THE COUNCIL OF MINISTERS.

(1) The Hon'ble Mr. Huseyn Shaheed Suhrawardy, Minister in charge of the Chie Minister's Department and of the Home Department except the Jails Branc thereof.

(2) The Hon'ble Mr. Mohammed Ali, Minister in charge of the Finance Departmen and of the Department of Health and Local Self-Government.

(3) The Hon'ble Mr. Saiyed Muazzamuddin Hosain, Minister in charge of the Edu cation Department.

(4) The Hon'ble Mr. Ahmed Hossain, Minister in charge of the Department of Agri culture, Forests and Fisheries.

(5) The Hon'ble Mr. Abdul Gofran, Minister in charge of the Department of Civ Supplies.

(6) The Hon'ble Mr. Abul Fazal Muhammad Abdur Rahman, Minister in charg of the Department of Co-operation, Credit and Relief.

(7) The Hon'ble Mr. Shamsuddin Ahmed, Minister in charge of the Department o Commerce, Labour and Industries.

(8) The Hon'ble Mr. Tarak Nath Mukherjea, C.I.E., M.B.E., Minister in charge o the Department of Irrigation and Waterways.

(9) The Hon'ble Mr. Nagendra Narayan Roy, Minister in charge of the Judicial an Legislative Departments.

(10) The Hon'ble Mr. Fazlur Rahman, Minister in charge of the Land and Lan Revenue Department and the Jails Branch of the Home Department.

(11) The Hon'ble Mr. Dwarikanath Barori, Minister in charge of the Departmen of Works and Buildings.

BENGAL LEGISLATIVE ASSEMBLY.

PRINCIPAL OFFICERS OF THE BENGAL LEGISLATIVE ASSEMBLY.

SPEAKER :

The Hon'ble Mr. NURUL AMIN.

DEPUTY SPEAKER :

TOFAZZAL ALI, Esq., Advocate.

SECRETARY :

K. ALI AFZAL, Esq., Barrister-at-Law.

FIRST ASSISTANT SECRETARY :

AJITA RANJAN MUKHERJEA, Esq., M.SC., B.L.

THE BENGAL LEGISLATIVE ASSEMBLY PROCEEDINGS

Official Report of the First Session.

Volume LXXII—No. 3.

Proceedings of the Bengal Legislative Assembly assembled under the provisions of the Government of India Act, 1935.

THE ASSEMBLY met in the Assembly House, Calcutta, on Friday, the 18th April, 1947, at 4-30 p.m.

Present:

Mr. Speaker (the Hon'ble Mr. NURUL AMIN) in the Chair, 11 Hon'ble Ministers and 173 Members.

Oath.

The following Members took their oath.

(1). Mr. E. E. Corstorphine.

(2). Mr. T. C. Longfield.

(3). Mr. R. G. Waller.

UNSTARRED QUESTION

(answer to which was laid on the table)

Contai National School buildings.

68. Mr. PRAMATHA NATH BANERJEE: Will the Hon'ble Minister in charge of the Home Department be pleased to state—

(*a*) when the ban on the Contai National School was removed last time;

(*b*) whether it was handed over to the managing authorities of the school after the removal of the ban;

(*c*) if not, why not;

(*d*) whether the original buildings of the school at the time of being taken over by the Government have been retained or destroyed or changed;

(*e*) if so, the reasons therefor;

(*f*) whether the Government have paid any compensation to the school authorities for damage or destruction of the buildings;

(*g*) if not, whether Government contemplate paying adequate compensation to the school authorities for occupying it after the removal of the ban till the present time; and

(*h*) whether the Government propose to hand over the school to the school authorities at an early date?

Minister in charge of the Home Department (the Hon'ble Mr. H. S. SUHRAWARDY): (*a*) On the 11th August, 1945.

(*b*) No.

(*c*) Strictly speaking no building of the school existed at the time of the removal of the ban. Only portions of the walls were standing in broken and dilapidated condition due to the ravages of the cyclone.

(*d*) and (*e*) The *kutcha* buildings of the school were wrecked by the cyclone of the 16th August, 1492.

(*f*) Does not arise as the damage was due to the cyclone.

(*g*) Compensation for the present use and occupaton of the land is being assessed by the District Magistrate, and will be paid to the rightful claimant in due course.

(*h*) Negotiation is going on for restoration of the site to the school authorities.

STARRED QUESTIONS

(to which oral answers were given)

Food position of Munshiganj subdivision.

***183.** (SHORT NOTICE.) **Mr. MUNINDRA NATH BHATTACHARJEE:** (*a*) Will the Hon'ble Minister in charge of the Civil Supplies Department be pleased to state—

(*i*) whether it is a fact that the subdivision of Munshiganj is a deficit area in Bengal having only 2 months' food from the local produce;

(*ii*) whether the attention of the Government has been drawn to the numerous recent statements in the press about the shortness of supply and consequent exodus of some people;

(*iii*) whether the Government are considering the desirability of taking action immediately to prevent crisis; and

(*iv*) whether the Government are aware that the price of rice has gone up to Rs. 30 in the Manikganj and Munshiganj subdivisions and Nawabganj and Dohar thanas of the Dacca district?

(*b*) If the answer to clause (*a*) (*iv*) is in the affirmative, will the Hon'ble Minister be pleased to state what steps have been taken to allay the situation?

Mr. ESKANDAR ALI KHAN (on behalf of the Hon'ble Mr. ABDUL GOFRAN): (*a*) (*i*) Yes. But it produces roughly four months' requirements of food.

(*ii*) Government are aware about press comments regarding shortage of the supplies but have no information about any exodus of people.

(*iii*) Yes. Local officers have already been asked to start marketing operations and to send further supplies from Narayanganj Civil Supply Depot.

(*iv*) The latest available rice price quotation for Manikganj is Rs. 25-8 on 26th February, 1947 (retail coarse); for Munshiganj is Rs. 22-8 on 26th February, 1947 (retail coarse); for Dacca Sadar North is Rs. 23 on 26th February, 1947 (retail coarse); and for Dacca Sadar South is Rs. 23-8 on 27th February, 1947 (retail medium). Information regarding prices in the thanas of Nawabganj and Dohar as such is not available but these thanas belong to Dacca Sadar South subdivision.

(*b*) Government have started marketing operations in all the *hats*. This will tend, it is expected, to reduce the price of local supply in the markets.

Mr. MUNINDRA NATH BHATTACHARJEE: Will the Hon'ble Minister be pleased to state what is the source of his information with regard to answer (*a*) (*i*), viz., "But it produces roughly four months' requirements of food"?

Mr. ESKANDAR ALI KHAN: Agriculture Department gives us the estimated production.

Mr. CANENDRA CHANDRA BHATTACHARJEE: With reference to answer (*b*) will the Hon'ble Minister be pleased to state if it is a fact that in the Munshiganj subdivision there have been no marketing operations in Sekhernagar, Bhagyakul, Sirajdigha, Ballygaon and Tungibari, etc.?

Mr. ESKANDAR ALI KHAN: I have no such information.

Mr. CANENDRA CHANDRA BHATTACHARJEE: Will the Hon'ble Minister be pleased to state how without this information can they say that they have arranged for marketing operations in all the *hats*?

Mr. ESKANDAR ALI KHAN: I have nothing further to add.

Mr. CANENDRA CHANDRA BHATTACHARJEE: Will the Hon'ble Minister be pleased to state how much paddy or rice is sold every day in each *hat*?

Mr. ESKANDAR ALI KHAN: I am sorry I cannot say that off-hand. I want notice.

Mr. CANENDRA CHANDRA BHATTACHARJEE: Will the Hon'ble Minister be pleased to state if the Government is aware that females are also forced to go to the market place for purchasing rice and there have been cases of molestation of womentolk?

Mr. ESKANDAR ALI KHAN: I have no such information.

Mr. MUNINDRA NATH BHATTACHARJEE: Will the Hon'ble Minister be pleased to state what is the quantity of paddy supplied by the marketing operations to each person?

Mr. ESKANDAR ALI KHAN: 56,851 maunds of rice were actually released in March in the *hats* excluding of course the rationed areas and 10,693 maunds during the first two weeks of April have actually been released.

Mr. MUNINDRA NATH BHATTACHARJEE: My question is, will the Hon'ble Minister be pleased to state what is the quantity of paddy or rice, as the case may be, supplied to a family or to an individual person from the Government in a *hat* under the marketing operations?

Mr. ESKANDAR ALI KHAN: It cannot be said off-hand.

Mr. MUNINDRA NATH BHATTACHARJEE: Is the Hon'ble Minister aware of the fact that Mr. S. N. Roy told a Press Conference that only 16,000 maunds of rice was given by the Government in the month of February in the Dacca district?

Mr. ESKANDAR ALI KHAN: I do not know the actual figure. As a matter of fact I have given the figures that were actually released in March and April. The price quotation of 26th February has actually been supplied in answer to the question.

Mr. A. F. STARK: Will the Hon'ble Minister be pleased to state with reference to his answer (*b*) whether Government marketing operations since 26th February have, in fact, reduced the price of local supplies?

Mr. ESKANDAR ALI KHAN: Yes, to a certain extent. It has at least kept the market steady.

Mr. BIMAL CHANDRA SINHA: Will the Hon'ble Minister be pleased to disclose the source of price quotations?

Mr. ESKANDAR ALI KHAN: Departmental officers supply.

Mr. BIMAL CHANDRA SINHA: Will the Hon'ble Minister be pleased to state if he is aware of the fact that rice is really not available at these paper prices?

Mr. ESKANDAR ALI KHAN: I have no such information.

Mr. MUNINDRA NATH BHATTACHARJEE: Will the Hon'ble Minister be pleased to state what was the price when the marketing operations began and what is the present price as a result of the marketing operations?

Mr. ESKANDAR ALI KHAN: The price has not gone up. As I have already stated it has kept the market steady.

Mr. MUNINDRA NATH BHATTACHARJEE: Is the Hon'ble Minister aware that the present price in most of the places mentioned in the question, that is, in the Munshiganj subdivision and Nawabganj and Dohar thanas is between Rs. 25 and Rs. 26?

Mr. ESKANDAR ALI KHAN: I have already given my quotations. I have nothing further to add.

Mr. MIRZA ABDUL HAFIZ: Will the Hon'ble Minister be pleased to state what is the total produce of food crops in the subdivisions?

Mr. ESKANDAR ALI KHAN: I am sorry I cannot say that. I want notice.

Mr. MIRZA ABDUL HAFIZ: Will the Hon'ble Minister be pleased to state with reference to answer (*a*) (*i*), viz. "But it produces roughly four months' requirements of food," whether within the subdivision there are any culturable and unculturable fallow lands for which this shortage occurred there?

Mr. SPEAKER: It does not come within the purview of the main question.

Mr. MUHAMMAD HABIBULLAH CHAUDHURY: What does he mean by "marketing operations"?

Mr. ESKANDAR ALI KHAN: It means that food-grains are sold actually by selected dealers under the supervision of departmental officers.

Mr. A. F. STARK: Will the Hon'ble Minister be pleased to state how does he propose to reduce the price level? He has stated that his marketing operation has kept the price steady How does he propose to reduce the price?

Mr. ESKANDAR ALI KHAN: I do not follow the question.

Mr. SPEAKER: In reply to a previous question you have stated that the marketing operation has kept the market price steady. The present question is what steps are being taken to bring down the price.

Mr. ESKANDAR ALI KHAN: As a matter of fact, procurement is being carried on on an extensive scale and greater quantities are being sent from here to the grains market, and the situation is gradually improving.

Mr. BIMAL COMAR GHOSE: Will the Hon'ble Minister be pleased to state the greater quantities that are being sent now in comparison with the quantities that were sent in the different parts of the district during the same period?

Mr. ESKANDAR ALI KHAN: I am afraid I cannot answer off-hand. I want notice.

Mr. BIMAL COMAR GHOSE: Will the Hon'ble Minister be pleased to state what quantities are being sent now?

Mr. ESKANDAR ALI KHAN: During the first two weeks of April 10,693 maunds of rice were released in the market.

Mr. BIMAL COMAR GHOSE: In view of his ignorance as to the quantities that were sent earlier, will the Hon'ble Minister be pleased to state the reason for making the statement that the quantities sent now are larger than sent earlier?

Mr. SPEAKER: This question has taken too long a time. Let us take up the next question.

Mr. BIMAL COMAR GHOSE: Sir, my question has not been answered.

Mr. MUNINDRA NATH BHATTACHARJEE: Sir, the Hon'ble Minister is evading the reply

Mr. SPEAKER: What is your question, Mr. Ghose?

Mr. BIMAL COMAR GHOSE: I may repeat it, but the Hon'ble Minister has heard it.

My question is, will the Hon'ble Minister be pleased to state, in view of his ignorance of the quantities of rice that were sent to that area in the earlier period, the reason for making the statement that quantities now being sent there are larger than what was sent earlier?

Mr. ESKANDAR ALI KHAN: I have already stated that during the last two weeks of April 10,693 maunds of rice have actually been released in different parts of Dacca district. I have definite information that greater quantities have already been despatched though they have not been released in the market.

Mr. BIMAL COMAR GHOSE: The answer that the Hon'ble Minister has just given refers to the quantities that have just now been supplied the answer being that the quantities intended to be supplied are lower than the quantities actually despatched, but he does not say what is the comparative position in relation to the quantities sent earlier

Mr. ESKANDAR ALI KHAN: As a matter of fact I have nothing further to add.

Mr. MUNINDRA NATH BHATTACHARJEE: Will the Hon'ble Minister be pleased to state why the supplying of paddy is not done through food committees?

Mr. ESKANDAR ALI KHAN: Some selected dealers under the supervision of departmental officers conduct this marketing operation.

Mr. MUNINDRA NATH BHATTACHARJEE: Will the Hon'ble Minister be pleased to state the reasons why food is not distributed through food committees which is their proper function?

Mr. ESKANDAR ALI KHAN: I cannot reply off-hand.

Mr. BIMAL CHANDRA SINHA: Will the Hon'ble Minister be pleased to state if he is aware that large quantities go to black-market as a result of this method of distribution?

Mr. ESKANDAR ALI KHAN: I have no such information.

Mr. BIMAL CHANDRA SINHA: Will the Hon'ble Minister be pleased to state exactly the normal price level that is obtaining in these parts in the Dacca district?

Mr. ESKANDAR ALI KHAN: I have already given it out.

Mr. BIMAL CHANDRA SINHA: The figures given by the Hon'ble Minister relate to 26th February, 1947. My question is what is the price level within the first week of April.

Mr. ESKANDAR ALI KHAN: Since the printing of the answer we have received some more quotations, and according to the latest available quotations on 9th April 1947, the prices are for Dacca Sadar North Rs.20; for Dacca Sadar South Rs.23-8; for Narayanganj Rs.24; for Manikganj Rs.25; for Munshiganj Rs.24-8.

Mr. BIMAL CHANDRA SINHA: In view of the answer given by the Hon'ble Minister, will he be pleased to admit that instead of reducing the prices, the marketing operation has pushed up the price, at least in Dacca Sadar South where the price is Rs.25 and not Rs.23-8 ?

Mr. ESKANDAR ALI KHAN: Simply in one subdivision it appears like that, but on the whole it has kept the market steady.

Mr. BIMAL COMAR CHOSE: In view of the reply given by the Hon'ble Minister that the prices generally have gone up, will he be pleased to state how he considers that the market price has been steady?

Mr. ESKANDAR ALI KHAN: It stands like that. In some places it is has gone up and in some places it has not.

Mr. BIMAL COMAR CHOSE: Will the Hon'ble Minister be pleased to admit that the marketing operation in the case of Dacca District has been a complete failure?

Mr. SPEAKER: The reply has already been given.

The Hon'ble Mr. MOHAMMED ALI: Mr. Speaker, is it in order for a member to ask an Hon'ble Minister to admit a certain thing or not? He can ask a question for the purpose of eliciting an information and not for getting confirmation of an information that he possesses. Therefore question should be put in the proper form.

Mr. SPEAKER: So I have said that the reply has already been given so far as Mr. Sinha's question is concerned.

Mr. MIHIR LAL CHATTOPADHYAY: In view of the valuable information given by the Hon'ble Minister, will he be pleased to state at what price rice is being procured in the different districts of Bengal?

Mr. SPEAKER: That question does not arise.

Mr. MUNINDRA NATH BHATTACHARJEE: Will the Hon'ble Minister be pleased to state if he is aware that at the time of distribution of paddy in *hats* no less than two thousand people gather together and there is a scuffle; and weaker people, specially women, cannot take advantage of the distribution?

Mr. ESKANDAR ALI KHAN: I have not heard of any such thing.

Mr. BIMAL COMAR CHOSE: Will the Hon'ble Minister be pleased to explain what is the Government machinery for collecting information about the exodus of people on account of the shortage of rice, with reference to answer (*a*)(*ii*)?

Mr. ESKANDAR ALI KHAN: I have nothing further to add.

Mr. MANARANJAN DHAR: In view of the answer just given by the Hon'ble Minister to a question put by my friend Mr. Munindra Nath Bhattacharjee that there is a congestion in the *hat*, will he be pleased to consider the desirability of conducting an enquiry into the matter?

Mr. ESKANDAR ALI KHAN: Yes.

Mr. BIMAL COMAR CHOSE: On a point of order, Sir. With reference to the answer to a question of mine although you ruled once that the Minister can answer a question in any way he likes, when the question —what is the machinery of Government for collecting information in respect of exodus, if the Minister answers that he has nothing further to add, could you consider that that is a suitable reply?

Mr. SPEAKER: The reply can be inferred, because the Government machinery is the ordinary agency of the Government and there is no particular agency for collecing such information.

Mr. BIMAL COMAR CHOSE: There must be some administrative agency. I ask, what that agency is for collecting such information?

Mr. SPEAKER: I do not think that makes any difference. Government take the responsibility for any information that is supplied to them through Government agency, and that is communicated to this House.

Mr. BIMAL COMAR CHOSE: Then what is the meaning of asking a question and giving an answer?

Mr. SPEAKER: When the Government state that they have got certain information or they have not got certain information, the ordinary inference is that the information which is supplied to this House by the Government was received through the usual agency of the Government.

Mr. BIMAL COMAR CHOSE: The question is—what is the agency which collects such information? And the House has the right to know whether the source of information is a good source, a valid source and a dependable source It is for that purpose that we are entitled to know what the machinery is. Probably the Government may have no machinery to collect such information, and they may depend on hearsay report.

Mr. SPEAKER: Government take the responsibility for the information collected. It does not matter whether A, B or C collects the information, but the fact is that it is supplied to Government by Government agency on which the Government rely and which is communicated to this House.

Mr. NIHARENDU DUTT-MAZUMDAR: With reference to the last answer, will the Hon'ble Minister be pleased to state whether Government has in fact got any machinery at all for ascertaining the exodus of people from different parts of the country on account of scarcity of food?

Mr. SPEAKER: I do not think that question is proper.

Mr. NIHARENDU DUTT-MAZUMDAR: Sir, why do you think that question is not proper? What particular rule about putting questions has been violated by me when I put this question?

Mr. SPEAKER With regard to the exodus of people from a certain place Government have already replied; and the reply which was given by Government was that they collected this information through Government officers.

Mr. NIHARENDU DUTT-MAZUMDAR: That was not the reply. In the course of your explanation to my honourable friend Mr. Ghose you suggested that it might be inferred that Government collected such information through ordinary agents. My question is a very definite and categorical question put to the Hon'ble Minister as to whether Government have got any definite machinery for the purpose of collecting information with regard to the exodus of people from each district for scarcity of food. It is for the Government to inform us as to whether they have got such a machinery or not. And I submit that unless my question offends against any provision of the rules for putting question, it is in order.

Mr. ESKANDAR ALI KHAN: There is no such separate machinery but it is through Government agencies that I have collected the information.

Mr. NIHARENDU DUTT-MAZUMDAR: Sir, we could not hear the answer.

Mr. SPEAKER: The answer was that the Government got this information through their usual agencies.

Mr. NIHARENDU DUTT-MAZUMDAR: Sir, it is hardly the function of the Hon'ble Speaker to interpret the answer of the Hon'ble Minister. The Hon'ble Minister must make himself audible.

Mr. SPEAKER: It is not a question of interpretation, it is a question of repeating the answer.

Mr. BIMAL COMAR GHOSE: Sir, if I correctly heard the Minister, he said that the Government have no such particular agencies but they get such information through their own agencies.

Mr. ESKANDAR ALI KHAN: Governmental agencies.

Mr. NIHARENDU DUTT-MAZUMDAR: What are the agencies referred to?

Mr. ESKANDAR ALI KHAN: The usual machinery

Mr. NIHARENDU DUTT-MAZUMDAR: With reference to the answer just given that the Government's agencies are the usual machinery, will the Hon'ble Minister be pleased to explain what that usual machinery is?

Mr. SPEAKER: He said it was the usual Governmental agency.

Mr. NIHARENDU DUTT-MAZUMDAR: Sir, the Hon'ble Minister is answering in different ways. At one time he says, information is collected through its agencies, and then he says through usual machinery. Now, this House wants to know what sort of machinery is in existence for the purpose of collecting such information. Will the Hon'ble Minister be pleased to explain what constitutes that machinery?

Mr. ESKANDAR ALI KHAN: Departmental officers—both Executive and of the Civil Supplies Department.

Mr. NIHARENDU DUTT-MAZUMDAR: Will the Hon'ble Minister be pleased to state——

Mr. SPEAKER: Order, order. I have to point out that I cannot allow so much time to be devoted to a particular question because we have got to push through the arrear questions. We have been on this question for the last twenty-five minutes, and I know there will be no end of supplementary questions because there are veteran parliamentarians as well as efficient lawyers. Next question.

Hunger-strike by some political prisoners in Alipore Central Jail.

***183A.** (SHORT NOTICE.) **Mr. DHIRENDRA NATH DATTA:** (*a*) Will the Hon'ble Minister in charge of the Home (Jails) Department be pleased to state whether it is a fact that a few political prisoners in Alipore Central Jail have gone on hunger-strike?

(*b*) If the answer to clause (*a*) is in the affirmative, will the Hon'ble Minister be pleased to state—

(*i*) how many of them have gone on strike:

(*ii*) their names; and

(*iii*) since what date each one of them has gone on strike?

(c) Is it a fact that the prisoners have addressed a letter to the Home Minister protesting against the Jail Code Rules and seeking remedy for the same?

(d) Is it a fact that the prisoners had placed their demands before the Home Minister?

(e) If the answers to clauses (c) and (d) are in the affirmative, will the Hon'ble Minister be pleased to lay on the Table the copy of the letter addressed to him and the list of demands made by the prisoners?

(f) What steps the Government have taken to put an end to the hunger-strike?

(g) Do the Government consider the desirability of acceding to the demands of the prisoners with a view to end the hunger-strike?

(h) What is the present condition of health of the different prisoners?

Mr. HAMIDUDDIN AHMED (on behalf of the Hon'ble Mr. Fazlur Rahman): (a) The prisoners went on hunger-strike but gave it up on 29th March, 1947

(b) (i) Five.

(ii) (1) Satish Chandra Mukherjea, (2) Nirmal Chandra Bhanja, (3) Amal Chandra De, (4) K. M. Rahman, and (5) Rabindra Nath Ghosh.

(iii) 21st March, 1947.

(c) Yes.

(d) No.

(e) The petition addressed to Hon'ble Minister, Jails, is laid on the Table.

(f) The hunger-strike was abandoned on 29th March, 1947

(g) and (h) Do not arise.

Petition referred to in reply to clause (e) of short notice starred question No. 183A

To

THE HON'BLE MINISTER, HOME DEPARTMENT, GOVERNMENT OF BENGAL, WRITERS' BUILDINGS, CALCUTTA.

Dated, Alipore Central Jail, 21st March, 1947.
Morning at 6-15 a.m.

SIR,

We the undersigned political prisoners of Alipur Central Jail are submitting the following long-standing grievances to your honour for kind consideration and favourable reply :—

1. Political prisoners of all the provinces have been released as soon as the popular Ministry formed, but it is a matter of great regret that still political prisoners of Bengal are suffering in different jails under different conditions, so many months passed the popular Ministry took the office.

So, it is our demand which is quite reasonable and justified that the political prisoners of all the categories will be concentrated in Alipur Central Jail.

2. A. We cannot forget the twelve valiant patriotic soldiers of the 4th Indian Coastal Battery who stood against the British Imperialist Government and nine of them have been executed unfame and unknown and the remaining three are in this Jail, though they are under Central Government, two of them have been imprisoned to transportation for life and one for seven years.

B. Is it not a grave injustice and a great insult to our country not recognising the I.N.A. prisoners as political by the Government, who are still behind the prison-bar, and who came like an avalanche from the far east with an undaunted courage and valour to emancipate our country and thousands of them fell fighting in the border of this soil against the mighty imperialist forces?

C. Valiant patriotic R.I.N. ratings stood against discriminating behaviour which were materialised on various grounds and understood the only right way that emancipation from the foreign yoke is the only solution and they rose in arms for our country's cause.

D. Hundreds of R.I.A.F. personnel fought the discriminating behaviour which are intolerable, uncivilised and inhuman and to keep the prestige of their motherland faced imperialist torture and imprisoned.

We find no earthly reasons why they are not been recognised political by the authorities concerned. So, we are demanding their political recognition.

3. We fought for our country together, undergone torturement together, imprisoned together by the bureaucratic Government. We find no distinction between us whether we were peasants, labourers or anything in trade, whether we were poor or rich. We know we are comrades, our duty is to emancipate our country from the foreign yoke.

It is a shameful matter that the Government is making artificial differences by putting us in Division II and Division III classes. We are getting no better treatment than others who came in jail committing crimes against society and humanity by molesting our sisters and ruining hundreds of families.

So, it is our demand that the political prisoners of all categories shall be placed in one special class equivalent to Division I war prisoners, such as in Madras.

4. No compulsion of wearing caps, which is a long-standing grievance of the political prisoners.

5. Interviews in office sitting side by side like Division I prisoners.

6. Khadi clothing to Khadi wearers.

7. All personal books should be allowed.

8. Personal suit-case should be allowed.

9. Better quality soap instead of the present soap we are getting in the name of toilet.

10. Nationalist newspapers at Government cost.

11. For cleansing teeth, tooth paste should be allowed at Government cost.

12. We demand to be separated from the prisoners other than politicals in all respects.

13. Demanding smokes and snuff at Government cost as in Madras, Bombay, United Provinces, and the North West Frontier Province.

14. Demanding all sorts of recreations given to security prisoners.

15. Four letters and two interviews a month.

16. Pen-holder, ink, ink-pot and blotting papers at Government cost.

17. Instead of warm coat in the winter, woollen rapper should be given.

18. Lock-up at 9 o'clock at night like security prisoners.

Under these circumstances we are compelled to protest against these mediaeval Jail Code Rules, and to get remedy resorting to hunger-strike from today, the 21st March, 1947, unto death.

Hope that you will consider this matter with due sympathy and pass order.

Copy to—

The Hon'ble Home Minister, Government of India, New Delhi.

(1) NIRMAL CHANDRA BHANJA.
(2) SATISH CHANDRA MUKHERJI.
(3) K. M. RAHAMAN.
(4) RABINDRA NATH GHOSH.
(5) AMAL CHANDRA DE.

Mr. DHIRENDRA NATH DATTA: Will the Hon'ble Minister be pleased to tell us how long the prisoners were on hunger-strike?

Mr. HAMIDUDDIN AHMED: The answer is there—from 21st March, 1947.

Mr. DHIRENDRA NATH DATTA: With reference to the petition which has been referred to in the answer that certain demands were made, will the Hon'ble Minister be pleased to tell us whether Government has acceded to any of those demands?

Mr. HAMIDUDDIN AHMED: One of the main demands was with regard to classification and one person has been given Class II. As regards others the Deputy Leader of the Opposition promised to give details to Government, but I understand that up till now no such details have been given about the other prisoners. On that account their cases have not yet been finally decided, but so far as one prisoner is concerned he has been given Class II and he is getting all the facilities that other Class II prisoners get. With regard to the other general demands some have been complied with but not all, for they are Class III prisoners and they are entitled to facilities given to Class III prisoners only.

Mr. DHIRENDRA NATH DATTA: Is it not a fact that the Hon'ble Minister agreed to call a conference in order to revise the Jail Code?

Mr. HAMIDUDDIN AHMED: Yes.

Mr. DHIRENDRA NATH DATTA: Will the Hon'ble Minister be pleased to tell us when this conference will be called?

Mr. HAMIDUDDIN AHMED: I cannot give the exact date, but as soon as the Minister will be free, he will consider the matter and fix a date.

Mr. DHIRENDRA NATH DATTA: Will the Hon'ble Minister be pleased to give us an approximate estimate of the time he will take?

Mr. HAMIDUDDIN AHMED: It must be after the session is prorogued.

Mr. NIHARENDU DUTT-MAZUMDAR: With reference to the petition made by the prisoners will the Hon'ble Minister be pleased to state the date on which the petition was placed before Government through the Superintendent of the Jail.

Mr. HAMIDUDDIN AHMED: The petition was sent directly to the Minister through the Superintendent.

Mr. NIHARENDU DUTT-MAZUMDAR: On which date did he receive the petition from the Superintendent of the Jail?

Mr. HAMIDUDDIN AHMED: I cannot give the exact date.

Mr. DHIRENDRA NATH DATTA: Will the Hon'ble Minister be pleased to tell us when he received the application from the three other prisoners, excepting the one prisoner who has been already classified, for classification?

Mr. HAMIDUDDIN AHMED: Yes.

Mr. DHIRENDRA NATH DATTA: When he received the petition with regard to classification?

Mr. HAMIDUDDIN AHMED: There is no separate petition but the petition which has been laid on the library table is the only petition on which action has been taken.

Mr. DHIRENDRA NATH DATTA: Will the Hon'ble Minister be pleased to tell us if, after the prisoners' hunger-strike was abandoned, there was a separate petition from the prisoners for classification?

Mr. HAMIDUDDIN AHMED: After they gave up the hunger-strike, there was a petition by the prisoners for giving them Class II but they did not make out any case for giving them Class II.

Mr. DHIRENDRA NATH DATTA: Is it a fact that after the hunger-strike was abandoned, there was a petition from four prisoners for classification and you have told us that there has been order with regard to one prisoner?

Mr. HAMIDUDDIN AHMED: I have nothing further to add.

Mr. NIHARENDU DUTT-MAZUMDAR: Will the Hon'ble Minister be pleased to state whether the long-standing grievances of the prisoners, as mentioned in their petition, were communicated to the Government earlier by the Superintendent of the Jail?

Mr. HAMIDUDDIN AHMED: No.

Mr. NIHARENDU DUTT-MAZUMDAR: Will the Hon'ble Minister be pleased to state whether Government has made any enquiry as to why the Superintendent did not communicate those grievances and necessitated a hunger-strike by the prisoners?

Mr. HAMIDUDDIN AHMED: The letter that was sent to the Minister concerned through the Superintendent was the first information Government received about those grievances.

Mr. MUHAMMAD HABIBULLAH CHAUDHURY: With reference to question (*f*) the answer is "the hunger-strike was abandoned on 29th March, 1947". Are we to understand that the hunger-strike was abandoned even before any steps were taken by the Government?

Mr. HAMIDUDDIN AHMED: On the intervention of the Opposition Leader and after negotiations with the prisoners concerned, the hunger-strikers gave up their hunger-strike.

Mr. MUHAMMAD HABIBULLAH CHAUDHURY: Was any grievance redressed?

Mr. HAMIDUDDIN AHMED: All the grievances were not redressed. Government gave them to understand that some of the grievances would be redressed and others would be considered and as regards classification, Government has already put one prisoner in Class II, as I have already stated, and with regard to others, Government is awaiting details from the Deputy Leader of the Opposition.

Mr. SIBNATH BANERJEE: Will the Hon'ble Minister be pleased to state what has been done with regard to the demand or suggestion made in the petition that I.N.A. prisoners, R.I.N. ratings and R.I.A.F. prisoners should be considered as political prisoners?

Mr. HAMIDUDDIN AHMED: It has not yet been finally decided.

Mr. NIHARENDU DUTT-MAZUMDAR: Will the Hon'ble Minister be pleased to state with regard to the demand contained in the petition of the prisoners in clause 6, *viz.*, that khadi clothing to be allowed to wearers of khadi, whether this demand was capable of being fulfilled by the Superintendent of the Jail even before a petition of this nature was necessitated?

Mr. HAMIDUDDIN AHMED: I want notice. I will have to make enquiry and reply.

Mr. NIHARENDU DUTT-MAZUMDAR: Will the Hon'ble Minister be pleased to state whether Government has ascertained from this petition as to whether there were several items of grievances which were quite capable of redress by any competent Superintendent?

Mr. HAMIDUDDIN AHMED: As I have already stated, all the prisoners belonged to Class III and they were getting all the facilities that other Class III prisoners were getting. There were no special facilities given to them and hence these prisoners sent this letter through the Superintendent to the Government.

Mr. NIHARENDU DUTT-MAZUMDAR: Did the Superintendent communicate to the Government earlier than this petition of the 21st March that demands of such description were being advanced by the prisoners, for Government's information?

Mr. HAMIDUDDIN AHMED: I think the Superintendent is competent enough to deal with such cases.

Mr. NIHARENDU DUTT-MAZUMDAR: Will the Hon'ble Minister be pleased to state whether Government is considering the desirability of ascertaining why the Superintendent took an unsympathetic attitude in respect of such grievances which he was capable of settling himself?

Mr. HAMIDUDDIN AHMED: I think this question does not require further elucidation because I have already stated that all the prisoners were Class III prisoners and they were getting all the facilities that other Class III prisoners get and the Superintendent was right if he did not like to give them any special privilege.

Mr. MUHAMMAD HABIBULLAH CHAUDHURY: Are Government considering the desirability of supplying smokes and snuff to the political prisoners at Government cost, as is done in the Congress provinces?

Mr. NIHARENDU DUTT-MAZUMDAR: That is a frivolous question. Will the Hon'ble Minister be pleased to state whether he suggests that the Superintendent of the Alipore Central Jail was unsympathetic to the prisoners or not?

Mr. HAMIDUDDIN AHMED: Certainly not.

Mr. MUHAMMAD HABIBULLAH CHAUDHURY: It is not a frivolus question. Will the Hon'ble Minister be pleased to state whether Government are prepared to supply smokes and snuff, as mentioned in item B—it is a demand?

(No answer.)

Conference between Labour Commissioner, Master Printers' Associatio and Press Employees' Association.

183B. (SHORT NOTICE) **Mr. A. M. A. Zaman:** (*a*) Is the Hon'bl Minister in charge of the Labour Department aware that a Tripartite Con ference between the Labour Commissioner, Master Printers' Association an the Press Employees' Association took place long ago to settle the disput regarding wages and other conditions of employment of the press worker of Calcutta and suburbs?

(*b*) Is it a fact that the President of the Press Employees' Associatio has referred the matter to the Hon'ble Minister in his letter, dated the 8tl March, 1947, for an immediate decision in the matter?

(*c*) If the answers to (*a*) and (*b*) are in the affirmative, will the Hon'bl Minister be pleased to state what actions have been taken or intended to b taken immediately? If not, why not?

Mr. K. NASARULLA (on behalf of the Hon'ble Mr. Shamsuddi Ahmed): (*a*) and (*b*) Yes.

(*c*) Government intend to refer the dispute to adjudication as soon a the Industrial Disputes Act, 1947, recently passed by the Central Legislatur comes into force.

Since then, the Industrial Disputes Act, 1947, has come into force wit effect from 1st April. Government is awaiting the Labour Commissioner's recommendation and as soon as it gets it, this will be referred t adjudication.

Mr. NIHARENDU DUTT-MAZUMDAR: Will the Hon'ble Minister b pleased to state why in such cases the Government department concerned i so dilatory and does not take up the disputes more expeditiously so as t fulfil the grievances of the workers in time?

Mr. K. NASARULLA: I do not agree with the remarks made by Mr. Dutt-Mazumdar and so I won't answer it.

Dr. SURESH CHANDRA BANERJEE: Will the Hon'ble Minister be pleased to state whether the President of the Press Employees' Association in his letter of the 8th March, 1947, to the Hon'ble Minister prayed for referring the dispute to adjudication?

Mr. K. NASARULLA: I think so.

Mr. MUHAMMAD HABIBULLAH CHAUDHURY: Will the Hon'ble Minister be pleased to state when the Industrial Disputes Act will come into force?

Mr. K. NASARULLA: I have already stated, it has already come into force from the 1st April, 1947.

Dr. SURESH CHANDRA BANERJEE: Will the Hon'ble Minister be pleased to state whether it is the present policy of the Government to refer all disputes to the Industrial Disputes Act, 1947?

Mr. SPEAKER: This question only refers to certain sections, but your question covers the whole range of labour disputes.

Dr. SURESH CHANDRA BANERJEE: I asked him whether the President prayed for adjudication. As far as my information goes, the President of the Association did not pray for adjudication but the Labour Commissioner of his own accord sent the matter to adjudication. So, my question is whether it was the policy of the Government.

Mr. K. NASARULLA: As far as Government is concerned, wherever Government think necessary they will refer the matter to adjudication.

Mr. NIHARENDU DUTT-MAZUMDAR: With reference to the information given us by the Government that a tripartite conference took place between the Labour Commissioner, Master Printers' Association and the Press Employees' Association—it is in question (a) which has been answered in the affirmative—will the Hon'ble Minister be pleased to state the date on which this tripartite conference took place?

Mr. K. NASARULLA: I want notice.

Mr. NIHARENDU DUTT-MAZUMDAR: Sir, the Hon'ble Minister has admitted quite apart from the question of date that this tripartite conference took place long ago to settle the dispute. Will he be pleased to inform the House as to what steps Government have taken since then to settle the dispute? I want to know whether Government have taken any steps since the tripartite conference.

Mr. K. NASARULLA: Government has been trying since then to settle the dispute.

Mr. NIHARENDU DUTT-MAZUMDAR: In what way Government have been trying to settle the dispute? If the conference took place long ago, will he be pleased to explain and inform the House as to what concrete steps were taken by Government?

Mr. K. NASARULLA: I want notice for that.

Mr. NIHARENDU DUTT-MAZUMDAR: Obviously the previous answer was untenable. How long does he think Government will take in settling the dispute once and for good?

Mr. K. NASARULLA: I have already said that Government is waiting for the recommendation of the Labour Commissioner, and as soon as the recommendation is received Government will try to settle the dispute.

Mr. NIHARENDU DUTT-MAZUMDAR: Has Government specified any date by which the Labour Commissioner shall submit his report to Government?

Mr. K. NASARULLA: No.

Mr. NIHARENDU DUTT-MAZUMDAR: With reference to his answer that no date has been specified for the Labour Commissioner to submit his report, is it the intention of Government to encourage dilatoriness on the part of the Labour Commissioner of his department?

Mr. K. NASARULLA: I do not answer that.

Mr. NIHARENDU DUTT-MAZUMDAR: In view of his answer just given, will it be unfair to think that Government is unsympathetic to the cause of labour and precipitates strike action because of their dilatoriness?

Mr. K. NASARULLA: I am sorry, Mr Mazumdar is misrepresenting the Government view in this matter.

Mr. NIHARENDU DUTT-MAZUMDAR: In that event, Sir, will the Hon'ble Minister be pleased to state here and now the approximate time by which he expects a definite report from the Labour Commissioner and to settle this dispute with regard to which a conference took place long ago?

Mr. K. NASARULLA: As soon as the Labour Commissioner's report is received, we will do it.

Mr. NIHARENDU DUTT-MAZUMDAR: Will it be before June 1948 after that?

Mr. K. NASARULLA: It may be within one month, 15 days, a fortnight or even a week.

Mr. NIHARENDU DUTT-MAZUMDAR: May we take it that it will be done within a week?

Mr. SPEAKER: His reply was: "as soon as possible". A week or a month is covered by 'as soon as possible'.

Mr. NIHARENDU DUTT-MAZUMDAR: Does not the Hon'ble Minister think that it will be done within a fortnight?

Mr. K. NASARULLA: I said "as soon as possible".

Mr. MUHAMMAD HABIBULLAH CHAUDHURY: Is the Hon'ble Minister aware that the business in Calcuttta has come to a standstill because of these disputes and the indifference of Government to settle the disputes?

Mr. K. NASARULLA: Government is not indifferent in the matter. They are trying their level best to bring the disputes to an end. I realise that there are many disadvantages when strikes take place.

Mr. MUHAMMAD HABIBULLAH CHAUDHURY: Is the Hon'ble Minister aware that at the present moment the charge for printing a book is Rs. 50 because of these disputes and the indifference of Government?

Mr. K. NASARULLA: I realise that. We will try to settle the disputes as soon as possible.

Mr. NIHARENDU DUTT-MAZUMDAR: On the 8th March, 1947, the President of the Press Employees' Association sent a letter to the Hon'ble Minister himself. Will he be pleased to state whether any answer has been given to that letter and, if so, what?

Mr. K. NASARULLA: I want notice.

Mr. NIHARENDU DUTT-MAZUMDAR: With reference to question (*b*), *viz.*, "Is it a fact that the President of the Press Employees' Association has referred the matter to the Hon'ble Minister in his letter, dated the 8th March, 1947, for an immediate decision in the matter" to which Government has answered "Yes", i.e., they have received this letter but it gives no further indication as to whether any reply has been sent to that letter, will the Hon'ble Minister be pleased to state if any reply has been sent and, if so, to what effect? This is a wonderful state of affairs!

Mr. K. NASARULLA: No, it is not.

Mr. SPEAKER: Let me point out that the rate at which questions are being disposed of by this House may be taken up as a defence by Government in future for delay in answering questions.

Mr. NIHARENDU DUTT-MAZUMDAR: Sir, I am waiting for reply to a question already put.

Mr. K. NASARULLA: Sir, I would like to have notice for Mr. Mazumdar's question.

Mr. NIHARENDU DUTT-MAZUMDAR: Do we take it that the Hon'ble Minister is not aware whether he has sent any reply to the letter of the President of the Press Employees' Association?

Mr. SPEAKER: I disallow that question because the Hon'ble Minister has already asked for notice.

Mr. NIHARENDU DUTT-MAZUMDAR: My question is this: Government has already accepted in answer (*b*) a letter has been sent by the President of the Press Employees' Association to the Hon'ble Minister dated the 8th March, 1947. Today is 18th April, 1947. I am asking the question whether any reply has been sent to the President of the Press Employees'

association or not. Do I take it that the Hon'ble Minister does not know at all whether he has sent any reply or not: This is how strikes are brought about.

Mr. K. NASARULLA: I have already said that I want notice.

Mr. NIHARENDU DUTT-MAZUMDAR: Will he please explain on what specific point he wants notice?

Mr. K. NASARULLA: On the point about reply to the President's letter

Mr. NIHARENDU DUTT-MAZUMDAR: Is the Hon'ble Minister aware whether he replied at all?

Mr. SPEAKER: For that the Hon'ble Minister wants notice.

Mr. NIHARENDU DUTT-MAZUMDAR: Sir, this question is very important and so the question may be held over. We may come to-morrow and in the meantime the Hon'ble Minister may look up and no fresh notice will be necessary. I invite your attention to question (*b*) and my supplementary question *vis-a-vis* the question and answer.

Mr. SIBNATH BANERJEE: It is very important as to what reply has been given by Government to the President's letter I suggest that the question be held over.

Mr. SPEAKER: I do not think that the particular date on which the reply was given is so important that the question should be held over. We have discussed this question sufficiently.

Proposed strike notice by Press Employees' Association.

***183C.** (SHORT NOTICE.) **Mr. A. M. A. ZAMAN:** (*a*) Will the Hon'ble Minister in charge of the Labour Department be pleased to state whether it is a fact that the President, Press Employees' Association, wrote about the proposed strike to the Chief Minister, and forwarded copies of his letter to the Labour Minister and Labour Commissioner on March 8?

(*b*) If the answer to (*a*) be in the affirmative, will the Hon'ble Minister be pleased to state the contents of the said letter and whether arrangements are being made to refer the matter to competent adjudication? If not, why not?

Mr. K. NASARULLA (on behalf of the Hon'ble Mr. Shamsuddin Ahmed): (*a*) Yes

(*b*)(*i*) It contained criticism of alleged inaction on the part of the Labour Directorate in the matter with a request to refer the dispute to adjudication.

(*ii*) Please refer to my reply on question 183B.

Mr. NIHARENDU DUTT-MAZUMDAR: With reference to answer (*a*) "Yes", will the Hon'ble Minister be pleased to state whether the strike notice has been occasioned as a result of Government negligence in dealing with the matter in reasonable time or not?

Mr. K. NASARULLA: No.

Mr. NIHARENDU DUTT-MAZUMDAR: Will the Hon'ble Minister be pleased to state what steps did the Government take to show that Government was not negligent in this respect before the strike notice was given?

Mr. K. NASARULLA: Government took all action that was necessary

Mr. NIHARENDU DUTT-MAZUMDAR: Will the Hon'ble Minister be pleased to state what was the necessary action that Government took to see that no strike was occasioned or a strike notice necessitated?

Mr. K. NASARULLA: Sir, Government tried to get in touch with the strikers to bring them round to a settlement.

Mr. NIHARENDU DUTT-MAZUMDAR: With reference to his answer that it contained criticism of alleged inaction on the part of the Labour Directorate in the matter with a request to refer the dispute to adjudication will the Hon'ble Minister be pleased to state what specific action they took with regard to this definite allegation and charge about dilatoriness on the part of the Labour Directorate and with regard to the request for referring the dispute to adjudication whether any steps were taken at all?

Mr. K. NASARULLA: The honourable member is referred to my reply (*c*) of question 183B.

Mr. NIHARENDU DUTT-MAZUMDAR: Does he mean that he wants notice to enable him to give a reply?

Mr. K. NASARULLA: No, Sir. I will just point out to Mr. Dutt-Mazumdar that as soon as the Industrial Disputes Act, 1947, comes into force the matter will be referred to adjudication.

Mr. NIHARENDU DUTT-MAZUMDAR: Does the Hon'ble Minister mean that the scope of reference is being drafted and is still in the mental stage of contemplation or does he mean that the matter is being referred to?

Mr. K. NASARULLA: A committee has to be appointed

Mr. NIHARENDU DUTT-MAZUMDAR: Will the Hon'ble Minister be pleased to state if the personnel of the committee have been settled?

Mr. K. NASARULLA: I would ask for notice.

Mr. NIHARENDU DUTT-MAZUMDAR: While making the answer that Government is going to refer the dispute to adjudication, will the Hon'ble Minister be pleased to state what steps have so far been taken for the purpose of referring this matter to adjudication?

Mr. SPEAKER: That question does not arise.

Advisory Board for premature release of certain class of prisoners.

*184. **Mr. RAJANI KANTA PRAMANIK:** Will the Hon'ble Minister in charge of the Home (Jails) Department be pleased to state—

(*a*) under what authority the cases of prisoners in jails are put up before the Advisory Board for premature release of persons convicted under Indian Penal Code;

(*b*) whether the cases of prisoners in jails convicted under any other law than the Indian Penal Code are put up before the Advisory Board for the purpose mentioned in (*a*) above; if so, under what authority;

(*c*) the rules under which such meetings of the Advisory Boards are held in different central or other jails of Bengal, stating the period of interval for the Advisory Board meetings, if any; and

(*d*) whether the meetings are regularly held at the prescribed interval?

Mr. HAMIDUDDIN AHMED (on behalf of the Hon'ble Mr. Fazlur Rahman): The honourable member is referred to my replies given to starred question No. 70 on the 18th February, 1947. The Jail Code Rules are strictly followed.

Mr. RAJANI KANTA PRAMANIK: মাননীয় মন্ত্রী মহাশয় অনুগ্রহ করে বলবেন কি advisory Board যখন বসে তখন তারা কোন authority র কাছ থেকে recommendation নেন কিনা? এবং যদি নেন তাহলে সেই authority কে?

Mr. HAMIDUDDIN AHMED: Cases are referred to the Board by the Superintendent of the Central Jail.

Reconstruction of Haimchar bazar, Chandpur.

*185. **Mr. DHIRENDRA NATH DATTA:** Will the Hon'ble Minister in charge of the Land and Land Revenue Department be pleased to state—

(a) is it a fact that Haimchar bazar within police-station Chandpur in the district of Tippera is an important market for the rural areas of the Tippera district;

(b) is it a fact that most of the shops of that bazar had been burnt in the October riots;

(c) is it a fact that the said bazar is situated in the Government *khas mahal*;

(d) have the Government taken any steps up till now to re-establish the bazar;

(e) is it a fact that His Excellency the Governor visited the place in November last and he assured the people that the Government would take immediate steps to re-establish the bazar;

(f) have any steps been taken by the Government to implement those assurances; and

(g) do the Government propose to give an adequate grant or an interest-free adequate loan to the shopkeepers with a view to re-establish the bazar; if so, what is the amount proposed to be given for each shopkeeper?

Mr. HAMIDUDDIN AHMED (on behalf of the Hon'ble Mr. Fazlur Rahman): (a) to (c) Yes.

(d) A temporary bazar has been established pending the construction of a planned market for which a scheme is under consideration.

(e) His Excellency the Governor visited the place in November last and he expressed the desire that the bazar should be reconstructed as soon as possible.

(f) *Vide* answer to (d) above.

(g) Rehabilitation and house-building grants up to a maximum of Rs.200 and Rs.350 respectively have been distributed to each shopkeeper who is agreeable to rebuild his shop according to Government plan. The question of giving loan is also under consideration.

Mr. DHIRENDRA NATH DATTA: Will the Hon'ble Minister be pleased to give us an approximate idea of the scheme of planned market which is under consideration of Government?

Mr. HAMIDUDDIN AHMED: I would request my honourable friend to come to my office and look into the plan. An idea of the plan cannot be given by reply to a question.

Mr. DHIRENDRA NATH DATTA: Will the Hon'ble Minister be pleased to state if it is a fact that the tenants who are in occupation of the bazar for more than 12 years have acquired a right therein?

Mr. SPEAKER: The question of right does not come in here.

Mr. DHIRENDRA NATH DATTA: Is it a fact that Government intends that tenants should relinquish their land in favour of Government?

Mr. SPEAKER: That question does not arise, as it has no bearing on the main question. Your supplementary question refers to which part of the question?

Mr. DHIRENDRA NATH DATTA: My question is with reference to answer (*d*) where it is stated that a temporary bazar has been established, etc. Lands are under the occupation of the tenants and they have acquired a right to the lands. So the question of a planned market by Government cannot arise unless and until the tenants relinquish the lands in favour of the Government.

Mr. SPEAKER: That is a different matter. So far as your question regarding the scheme of a planned market is concerned, you were requested to examine it in the office of the Hon'ble Minister.

Mr. DHIRENDRA NATH DATTA: All right, Sir, I am going to see the contemplated scheme in the office of the Hon'ble Minister Will the Hon'ble Minister be pleased to state what is the amount of loan which has been suggested by the Subdivisional Officer of Chandpur to be given to the tenants?

Mr. HAMIDUDDIN AHMED: That depends on individual requirements.

Mr. DHIRENDRA NATH DATTA: No, the question of giving loan is also under consideration. I will refer you to your answer (*g*) where it is stated that "rehabilitation and house-building grants up to a maximum of Rs.200 and Rs.350 respectively have been distributed to each shopkeeper who is agreeable to rebuild his shop according to Government plan The question of giving loan is also under consideration". So my question arises out of this answer, namely, will the Hon'ble Minister be pleased to tell us what is the amount of loan recommended by the Subdivisional Officer of Chandpur to be given to tenants for the construction of *hats*?

Mr. HAMIDUDDIN AHMED: Does the honourable member want to know the total amount?

Mr. DHIRENDRA NATH DATTA: Yes.

Mr. HAMIDUDDIN AHMED: I want notice

Mr. DHIRENDRA NATH DATTA: What is the amount for individual requirement?

Mr. HAMIDUDDIN AHMED: I want notice.

Mr. DHIRENDRA NATH DATTA: Will the Hon'ble Minister be pleased to state if it is a fact that the Subdivisional Officer suggested a loan of Rs.5,000 to each tenant?

Mr. HAMIDUDDIN AHMED: I have nothing further to add.

Mr. MUHAMMAD HABIBULLAH CHAUDHURY: Will the Hon'ble Minister be pleased to state how much money has been spent by Government for a temporary bazar and how much for a planned market?

Mr. HAMIDUDDIN AHMED: I want notice.

Mr. DHIRENDRA NATH DATTA: Is the Government aware that for the last 15 days the temporary bazar does not assemble because the Mussalmans of the locality have boycotted the bazar?

Mr. HAMIDUDDIN AHMED: Government have no such information.

Mr. DHIRENDRA NATH DATTA: Will the Hon'ble Minister be please to state if he is prepared to enquire into the matter as alleged by me?

Mr. HAMIDUDDIN AHMED: This is, Sir, an irrelevant question t which I cannot answer.

Mr. SPEAKER: This question does not arise.

Ravages of water-hyacinth in Tippera district.

*186. **Mr. DHIRENDRA NATH DATTA:** (a) Is the Hon'ble Minister in charge of the Agriculture Department aware that in the district of Tippera large areas of land remain uncultivated on account of the destruction o crops by water-hyacinth?

(b) Is it a fact that the crops of large areas of land are destroyed every year by water-hyacinth in the Brahmanbaria subdivision and in some portion of Sadar subdivision in the district of Tippera?

(c) Is it a fact that the Water-Hyacinth Act was passed in order to prevent destruction of crops by water-hyacinth by erection of fencing?

(d) If the answer to clauses (a) to (c) are in the affirmative, will the Hon'ble Minister be pleased to state whether any fences have been constructed under the Water-Hyacinth Act in the district of Tippera or anywhere in Bengal, if so, where and when and at what cost; if not why not?

(e) What is the policy of the Govetnment in the matter of destruction of water-hyacinth?

Mr. ABDUL KARIM (on behalf of the Hon'ble Mr. Ahmed Hossain): (a) Some areas of land remain uncultivated in the district of Tippera on account of ravages by water-hyacinth.

(b) Yes

(c) Yes; the object of the Bengal Water-Hyacinth Act, 1936, is to prevent the spread of water-hyacinth and to arrange for its destruction.

(d) and (e) No scheme has been executed under the Bengal Water-Hyacinth Act anywhere in the Province although some barricades have been constructed at Government cost The cost of barricades and other operations designed to prevent ravages by water-hyacinth is to be realised under the Act from the beneficiaries but it has been found by experience that persons actually benefited or likely to be benefited do not agree to bear any share of the capital or recurring cost involved Government also do not consider it advisable to undertake works against the wishes of prospective beneficiaries and later realise the cost compulsorily The whole question is now being examined by a Technical Committee whose report is being awaited.

Mr. DHIRENDRA NATH DATTA: Will the Hon'ble Minister be pleased to tell us whether the Technical Committee has been formed at all?

Mr. ABDUL KARIM: Yes, it has been formed.

Mr. DHIRENDRA NATH DATTA: Will the Hon'ble Minister be pleased to state the personnel of the committee?

Mr. ABDUL KARIM: I have not got the names with me just now.

Mr. DHIRENDRA NATH DATTA: Will the Hon'ble Minister be pleased to state when this Technical Committee was formed?

Mr. ABDUL KARIM: I cannot say off-hand.

Mr. DHIRENDRA NATH DATTA: Will the Hon'ble Minister be pleased to state the scheme that was launched by Government under the Bengal Water-Hyacinth Act at any time?

Mr. ABDUL KARIM: The scheme provided construction of fences and barricades for preventing spread of water-hyacinth.

Mr. MUNINDRA NATH BHATTACHARJEE: Is the Hon'ble Minister aware that the Arial beel is protected by barricades?

Mr. ABDUL KARIM: Yes.

Mr. MUNINDRA NATH BHATTACHARJEE: Is the Hon'ble Minister aware that the people of the Arial beel area were unwilling to pay costs if the barricades were not properly managed?

Mr. ABDUL KARIM: The information of Government is otherwise

Mr. MUNINDRA NATH BHATTACHARJEE: Is it a fact that for continued mismanagement people did not get any benefit; rather on the contrary they sustained losses by way of seeds and cost of cultivation?

Mr. ABDUL KARIM: It is not a fact.

Mr. MIRZA ABDUL HAFIZ: Will the Hon'ble Minister be pleased to state if any survey was made with respect to the lands affected by the water-hyacinth pest?

Mr. ABDUL KARIM: I am not aware of it

Mr. DHIRENDRA NATH DATTA: Will the Hon'ble Minister be pleased to tell us whether any barricade was constructed in the district?

Mr. ABDUL KARIM: At least one was constructed in the district of Dacca.

Mr. DHIRENDRA NATH DATTA: Sir, my question refers to the district of Tippera. I want to know whether any barricade was constructed in the district of Tippera?

Mr. ABDUL KARIM: I am not aware of it.

Mr. MUHAMMAD HABIBULLAH CHAUDHURY: Will the Hon'ble Minister be pleased to state if any steps were taken anywhere in the province to deal with water-hyacinth under the Water-Hyacinth Act of 1936?

(No answer.)

Mr. SPEAKER: Questions over.

Adjournment Motions.

Mr. BIMAL CHANDRA SINHA: Sir, I have given notice of an adjournment motion and I have got your consent. May I move my adjournment motion now? My motion is that this Assembly do now adjourn to discuss a definite matter of urgent public importance and of recent occurrence, namely, the atrocities and outrages, including molestation of women, committed by a section of the Calcutta police on the pretext of maintaining law and order.

Mr. BIMAL COMAR GHOSE: Sir, I have also got an adjournment motion of which notice was given by me and which has received your consent. The motion runs thus:

"That the business of the Assembly do now adjourn to discuss a matter of urgent public importance and of recent occurrence, viz., assaults on innocent citizens including molestation of women by the police in Calcutta such as in a house on Harrison Road on the night of April 14, 1947.

Mr. SPEAKER: Mr. Ghose, one adjournment motion has already been placed before the House and I shall deal with it first of all.

Mr. GANENDRA CHANDRA BHATTACHARJEE: Sir, I have table an adjournment motion regarding the strike of primary school teacher What is the fate of my adjournment motion?

Mr. SPEAKER: I will dispose of the adjournment motion of Mr. Sinh first. Is there any objection?

The Hon'ble Mr. MOHAMMED ALI: Sir, I beg to object to th adjournment motion of Mr. Sinha under rule 96. The rule lays down th a motion for an adjournment of the business of the Assembly for the purpo of discussing a definite matter of urgent public importance may be mad with the consent of the Speaker. But here there is no definite or specifi incident mentioned in the motion which has been tabled by Mr Sinha. H has said about the situation created by police atrocities committed in th city but he has not mentioned any specific incidents in connection with th atrocities alleged to have been committed by the police. Therefore th motion is vague as there is no mention of specific incidents On that groun I oppose it.

Mr. BIMAL CHANDRA SINHA: Sir, before you give your ruling ma I suggest that I have mentioned a number of cases and the areas where the occurred in my statement of facts. Really, Sir, that question does not aris at this stage because after going through the motion you have found that it i in order That means that the motion has been tabled in accordance wit the rules pertaining to motions for adjournment for the purpose of debat If that be so, I submit to you that it is not within the competence of th Minister to question the legality or *prima facie* legality of the motion and as such, I submit that the only question that can now be decided is whethe the motion can have leave of the House. Sir, when you have given you consent Mr. Mohammed Ali cannot question the legality of the motion

Mr. DHIRENDRA NATH DATTA: Besides all that, Sir, the atrocitie committed by a certain section of the police in Calcutta is a definite matter

Mr. RAM HARI ROY: The atrocities committed in Calcutta ar definite

Mr. SPEAKER: Order, order. The motion is not open to discussio now. I am considering the motion of Mr Sinha. I do not entirely agre with Mr Sinha that when the Speaker gives his consent, he cannot reconside the question of admissibility of the motion Supposing the Chair gives hi consent to an adjournment motion, and if subsequently it is found that th subject matter of the motion is *sub-judice*, in that case the question of admis sibility of the motion has certainly got to be considered

Mr. BIMAL CHANDRA SINHA: But that is a question of fact, an here it is a question of opinion.

Mr. SPEAKER: But that question may come up at any stage. So I d not agree with you In this case consent was given because in the statemen of facts certain incidents have been mentioned.

The Hon'ble Mr. MOHAMMED ALI: But those facts are not before th House.

Mr. DHIRENDRA NATH DATTA: But I submit that the motion an statement should be taken together.

Mr. SPEAKER: Is there any objection from the Government side?

The Hon'ble Mr. H. S. SUHRAWARDY: Sir, the statement made i connection with the adjournment motion, as worded, is extremely vague an indefinite and does not refer to any definite matter of public importance an any discussion on a motion of this kind is bound to be desultory and th Opposition cannot possibly get a satisfactory reply. That is the reason why

a definite matter of urgent public importance is insisted upon so that definite matters will be placed before the House and definite answers may be called for from Government.

Mr. SPEAKER: Under rule 100 the statement also forms part of the motion itself and the statement contains certain specific instances. I think Government will not, in any way, be prejudiced in this case.

The Hon'ble Mr. MOHAMMED ALI: Sir, rule 100 comes after rule 96. if the Speaker is of opinion that the matter proposed to be discussed is in order then the question arises at this stage that the House is not in seisin of the statement attached to the motion. If the Speaker rules that the motion is in order, then the statement can be read before the House; otherwise the statement cannot even be placed before the House and therefore it cannot be a part and parcel of the motion.

Mr. BIMAL CHANDRA SINHA: May I say, Sir, that the Hon'ble the Finance Minister is quite misleading the House because if his contention be that rule 96 cannot be read together with rule 100, in that case you cannot consider rule 98 even. I would suggest that you should consider the motion quite in the reverse order because where the motion satisfies the condition laid down in rule 96, you have got to go through all the rules together and see whether the motion satisfies rules 98, 99 or 100 and then decide whether the motion is in order in accordance with the terms of rule 96. If that be so, I submit that the statement is a portion of the motion itself and you cannot shut out the statement from the motion while considering the motion itself

The Hon'ble Mr. H. S. SUHRAWARDY: The meaning of that would be that although the motion has been admitted, it may not raise a definite matter of urgent public importance, if the statement of object and reasons is in order. The statement of object and reasons comes only after the motion itself is in order or not. That has always been the case which we have discussed here.

Mr. BIMAL CHANDRA SINHA: I rise on a point of order. My point of order is very specific. Is it now for the Government to question the admissibility of the motion when you have given your consent and when the matter is not *sub-judice*, as you were pleased to rule just now In view of that fact I submit that the Government can only signify their objection and in that case you will have to put the case for acceptance or rejection by the House. If 50 members stand up it must be discussed if not, it must be rejected.

The Hon'ble Mr. H. S. SUHRAWARDY: I submit, Sir, that *sub-judice* is not the only matter that will be taken into account by you As a matter of fact, after consent is given the Government is usually asked whether they have any objection or not, and often enough the point has been raised on the floor of this House that the matter does not raise a definite matter, and secondly that it is not of urgent public importance. Now, in this case, Sir, I do not deny that the matter is not a matter of urgent public importance but certainly it is not a definite matter, and often enough on the floor of this House after hearing Government the Speaker has disallowed a motion of his own motion, although my friend says that once the Speaker has given his consent no objection can be raised if only 50 persons get up, the only objection being that it is *sub-judice*.

Mr. BIMAL CHANDRA SINHA: May I request the Hon'ble Chief Minister to cite a precedent for our benefit?

The Hon'ble Mr. FAZLUR RAHMAN: May I supplement the arguments put forth by the Hon'ble Chief Minister? Consent of the Speaker does not prevent the Speaker to decide the question of a point of order. That has

been the procedure and it was an agreed procedure between the Opposition and the Government, and your predecessor decided a point of order before consent was withheld. Your predecessor decided in consultation with the Opposition and the other parties that the procedure should be that if there was a *prima facie* case you will give consent but it will be open to any member of the House to raise a point of order. That is the procedure that is being followed in this House.

Mr. J. C. GUPTA: I submit that it is not correct to say that when the Speaker has said that a motion is in order in the House they can question the decision. If it is in order then the only thing that is discussable is whether it is a definite matter of urgent public importance. I think Government will be speaking with the tongue in their cheek if they say that the incidents given regarding the police atrocities and violation of women in 100, Harrison Road are not definite matters and not of public importance.

The Hon'ble Mr. MOHAMMED ALI: Sir, Mr. Gupta has said that the incidents given in the statement are very important but, Sir may I refer to section 98(2) where it says that not more than one matter can be discussed on the same motion and the motion must be restricted to a specific matter of recent occurrence. I hope you will realise that the reference is to "a specific matter". Both "a" and "specific" are important that it must relate to one matter and that the matter must be specific. I lay stress on the word "motion" nothing to do with the statement which may be attached to the motion - the motion must relate to a specific matter of recent occurrence.

Mr. J. C. GUPTA: That is one violation can be talked of, not if two or more women were violated. Don't be absurd.

The Hon'ble Mr. MOHAMMED ALI: The motion and not the statement attached to the motion must be restricted to a specific matter of recent occurrence. The only thing under which this motion is eligible is that it is of recent occurrence. We do not deny that but it does not comply with the requirement that the motion must be restricted to a specific matter. It is not admissible under rule 98(2).

Mr. NIHARENDU DUTT-MAZUMDAR:—It has always been the practice of this House that the very framing of the adjournment motion itself is done in general terms with regard to a specific occurrence of great urgency and of public importance and an occurrence that took place recently. Sir, with a view to enabling the Speaker to determine whether he should give his consent or refuse his consent there is this procedure. The Speaker gives his consent to a motion where the statement of object makes out a definite occurrence and a definite occurrence which took place recently. On that basis, Sir, the statement of object is an essential part of the motion itself. A motion, however elaborate it may be, if it is not backed up by the statement of object, falls through because it does not conform to the primary regulation for the purpose of moving an adjournment motion. Sir, on the statement of object it is for you to determine whether you are satisfied whether an occurrence had taken place, whether that occurrence is of public importance and whether it took place recently. I am sure, Sir, you did satisfy yourself that it was so before giving your consent to some of the motions and not giving your consent to other motions. Now, Sir when the matter is discussed the whole facts will be placed before the House. It is immaterial if all the facts are not known to some of the members. It is known to all that gruesome atrocities had taken place. That has been made out with reference to a specific date and a specific occurrence and even a specific place of occurrence in the statement of object which is an integral part and if you are satisfied yourself that this motion which in general terms is termed an adjournment motion is backed up by all the particulars needed for the purpose, then I

submit, Sir, the motion cannot be ruled out of order, and the only course now left open, you having satisfied yourself that it was in order while giving your consent, is that you will be pleased to rule that this motion is in order.

Mr. SURESH CHANDRA DAS GUPTA: Rule 96 says that a motion for adjournment of the business of the Assembly for the purpose of discussing a definite matter of urgent public importance may be made with the consent of the Speaker. The Speaker gives his consent. Rules 97, 98 and 99 say that once you have given consent, nobody can question it.

Mr. SPEAKER: That point has already been raised.

Mr. BIMAL CHANDRA SINHA: I will submit one point and that is that the Finance Minister has said that the question must be a single matter and definite. I submit, Sir, that we are discussing only one definite matter and that is why the motion has been framed in this language, viz., the atrocities and outrages—you mark that plural has been used. Several persons might be injured, several women might be molested, but we are discussing a single incident

Then, Sir, the Hon'ble Chief Minister has said that on the floor of this House after hearing the objection of the Government the Speaker has been pleased to reverse his former decision and ruled a motion out of order to which consent was previously given I would request in all humility the Chief Minister to cite one precedent of this nature that has been accepted by this House. On the contrary, Sir, I will refer you to the ruling of Speaker Azizul Haque that he was pleased to give on 16th August, 1937. He said, that in view of the fact that the mover has *prima facie* made out his point that this is a matter of urgent public importance it is not for the Speaker to rule it out on the ground that it is not a matter of public importance. That is the ruling given by your predecessor on the 16th August, 1937. If you abide by that ruling the question you have to decide today is whether a *prima facie* case has been made out If you observe that the statement is an integral part of the motion, I submit, Sir, that a *prima facie* case has certainly been made out and it is not now for the Government to object or for you to reverse your decision.

Mr. SPEAKER: When I gave consent to this adjournment motion, I applied my mind both to the motion and to the statement of facts I considered that the incidents mentioned in the statement of facts were sufficient to bring the motion under section 96 under which the Speaker's consent is necessary A reference has made to rule 98(2) that it is only the motion that is before the House and not the statement of facts I think that argument has got some force because the House is not in a position to know what incidents have been mentioned in the statement of facts Along with this I find there are certain other motions, to which consent has been given by me, which particularly embodies definite instances of the police excesses of the nature contained in the motion of Mr. Sinha In that view of the matter I think neither the Opposition will be prejudiced nor the rules will be infringed if consent is withdrawn.

Mr. BIMAL CHANDRA SINHA: Mr Speaker, Sir, I bow to your ruling but for clarification of your ruling may I ask one question? Is it your ruling that the statement is not an integral part of a motion and should we understand that if we have to mention any specific instance, we shall have to mention it in the motion itself and not in the statement of facts?

Mr. SPEAKER: The statement of facts is for two purposes,—viz., for the purpose of the information of the Chair and for the purpose of giving certain information to the Government as to the line in which the discussion will take place. It is certainly necessary for these two purposes.

Mr. BIMAL COMAR GHOSE: Sir, there is an adjournment motion in my name which is related in the following terms:—"That the Assembly do now adjourn its business to discuss a matter of urgent public importance and of recent occurrence, namely, assault on innocent citizens in Calcutta including molestation of women by the police at 100, Harrison Road, on April 14th."

Mr. SPEAKER: Is there any objection?

The Hon'ble Mr. H. S. SUHRAWARDY: No, Sir.

The Hon'ble Mr. H. S. SUHRAWARDY: Sir, the position is as soon as the incident occurred and was reported, enquiries were set afoot. We have been making very meticulous enquiries and leaving no stone unturned in order to arrive at the truth. The enquiries will not be completed before Monday. We have to have some report from certain analyses and it will be then that I should be in a position to inform the House precisely as to what is the view of Government in the matter. I suggest, Sir, if it is not inconvenient to the Opposition and to yourself then you may fix Tuesday as the date for its discussion.

Mr. NIHARENDU DUTT-MAZUMDAR: Was any one put under arrest with regard to this incident? It is no good cooking up analyses.

Mr. SPEAKER: Let us take up this adjournment motion on Tuesday at 5 p.m. The House will sit from 4-30 and half-an-hour will be taken up for questions.

Mr. JYOTI BASU: Sir, consent has been given to my adjournment motion.

Mr. SPEAKER: That does not arise. One motion has been admitted. So others fall through.

(At this stage the House was adjourned for 15 minutes.)

(*After adjournment*)

(Early adjournment of the House due to curfew.)

Dr. PROTAP CHANDRA GUHA ROY: Sir, I beg to inform you that curfew will begin in some areas at 7 o'clock and many members are very much anxious to leave the House just now, because otherwise it will be impossible for them to reach their homes before 7.

Mr. ISWAR DAS JALAN: Sir, you have fixed 5 p.m. on Tuesday as the date and time for the discussion of the adjournment motion. Two hours time is allowed for the discussion.

Mr. SPEAKER: That has been pointed out to me by the Chief Whip of the Opposition who is probably contacting the Whips of other parties so that a convenient time may be fixed earlier. When they will come to a definite view, the time will be announced.

Mr. DHIRENDRA NATH DATTA: Sir, it is now 6-10 and it is high time that we should go. It will not be possible for many members to reach their homes unless the House is adjourned just now.

Mr. SPEAKER: Let us proceed for a few minutes.

Mr. DHIRENDRA NATH DATTA: Five minutes more.

Mr. NIKUNJA BEHARI MAITI: How can we proceed, Sir? There is curfew.

Mr. SPEAKER: Let us do some business.

GOVERNMENT BILL.

The Bengal Non-Agricultural Tenancy Bill, 1946.

Mr. SHARFUDDIN AHMAD: Sir, I beg to present the Report of the Select Committee on the Bengal Non-Agricultural Tenancy Bill, 1946.

Mr. BIMAL COMAR GHOSE: On a point of order, Sir. It is not proper for the honourable gentleman to present the report in this House. I would refer you to rule 54, sub-section (*3*) read with sub-section (*4*). Let me first read rule 54, sub-clause (*3*) which runs thus: "The Minister in charge of the department to which a Bill relates shall, if he is a member of the Assembly, ordinarily be Chairman of the committee, provided that in the case of a committee of the whole Assembly the Chairman shall be the Speaker or a member appointed by him" Sub-clause (*4*) reads thus: "If such Minister is not a member of the Assembly, the commmittee shall choose a member of the committee to be their Chairman". Now the position, as I understand it, is this that when the Bill was first referred to a Select Committee, the Hon'ble Minister was not a member of the Assembly and, therefore, a Chairman, as usual, was appointed Sub-rule (*3*) says that the Minister in charge shall ordinarily be the Chairman, and sub-rule (*4*) says that the question of appointing another member to be the Chairman of the Committee arises only when the Minister in charge is not a member of the Assembly Subsequently a member of the Assembly has become the Minister in charge, and therefore the report of the Select Committee should be presented in the proper form by Hon'ble Minister in charge.

The Hon'ble Mr. FAZLUR RAHMAN: Under the rule——

Mr. BIMAL COMAR GHOSE: Sir, may I just make one statement in order to make my point clear? As it is said "ordinarily", protection may be taken under that word, but sub-rule (*4*), rule 54, will apply only when the Hon'ble Minister is not a member of the Assembly, and therefore in this matter it could not be presented by anybody except the Hon'ble Minister

Mr. NIHARENDU DUTT-MAZUMDAR: Mr. Speaker, Sir, the time is getting up and there is curfew——

Mr. SPEAKER: I have already said that we will adjourn the House at half past six

Mr. BIMAL COMAR GHOSE: Sir, if you refer to rule 58 (*1*), it is laid down "Every report by a select committee on a Bill, shall be presented to the Assembly by the Chairman of the Committee"; and rule 58 (*2*) lays down "In presenting a report the Chairman shall, if he makes any remarks, confine himself to a brief statement of fact"——

Mr. SPEAKER: Mr. Ghose, I have considered your point of order. Under rule 58 the Chairman of the Select Committee has got to present the report before this House. Mr. Sharfuddin Ahmed is the Chairman, there is no doubt about it.

Mr. BIMAL COMAR GHOSE: The applicability of Rule 58 comes after rule 54. So, we should be guided by rule 54. We should remember that as soon as the Hon'ble Mr. Fazlur Rahman joined the Committee, he should have at once become the Chairman under rule 54 (*3*). Then this question of the applicability of rule 58 comes.

The Hon'ble Mr. FAZLUR RAHMAN: If you will refer to rule 54(*4*) you will find it is laid down "If such Minister is not a member of the Assembly, the committee shall choose a member of the committee to be their Chairman". I was not a member of that committee, and the Hon'ble Minister then in charge of the Bill was not a member of this House, and

refore under section 54(4) a Chairman was elected, and Mr. Sharfuddin Ahmed was so selected as Chairman. Subsequently, when I became a member of the committee, unless the existing Chairman resigns, I cannot be elected Chairman of that Committee, and he is entitled to present the report.

Mr. BIMAL COMAR GHOSE: I have already conceded all that the Hon'ble Minister has said My submission is, whether, as soon as an Hon'ble Minister joins a Committee, it is not incumbent on him that he should thenceforward preside over the deliberations of the Committee and present the report, or whether the Chairman who was elected before, can continue as such Rule 54(3) gives a definite direction that if the Hon'ble Minister is a member of the Assembly, then there is no question

Mr. SPEAKER: So far as sub-rule (4) is concerned, that excludes the Minister in charge of the department, who does not belong to this House, to be Chairman of a Select Committee for ever. But so far as sub-rule (3) is concerned, it also excludes the Minister in charge, even if he is a member of this House, to be Chairman of a Select Committee, because he may be Chairman, "ordinarily" but not always So I do not think there is any legal difficulty in appointing another Chairman in preference to the Hon'ble Minister

Mr. BIMAL COMAR GHOSE: Is it your interpretation that even if the Hon'ble Minister in charge is a member of the Select Committee, some other member may preside?

Mr. SPEAKER: Yes, though it does not happen ordinarily.

Mr. BIMAL COMAR GHOSE: Even if the Hon'ble Minister is a member of the Select Committee? (Interruptions.)

Mr. SPEAKER: Yes, if he is not elected as Chairman (The word "ordinarily" in sub-clause (3) will have no meaning at all, if the minister *ipso facto* becomes chairman. I should think this does not come in conflict with sub-clause (4) which is more or less mandatory which runs thus "If such Minister is not a member of the Assembly, the Committee shall choose a member of the Committee to be their Chairman

Mr. SHARFUDDIN AHMED: The ruling has been given I have the honour to present the Report of the Select Committee on the Bengal Non-Agricultural Tenancy Bill, 1946

The Bengal Non-Agricultural Tenancy (Temporary Provisions) Extending Bill, 1947, as passed by the Bengal Legislative Council.

Mr. SPEAKER: There is no amendment

Clause 1.

The question that clause 1 stand part of the Bill was then put and agreed to.

Clause 2.

The question that clause 2 stand part of the Bill was then put and agreed to.

Clause 3.

The question that clause 3 stand part of the Bill was then put and agreed

Preamble.

The question that preamble stand part of the Bill was then put and agreed to.

The Hon'ble Mr. FAZLUR RAHMAN: Sir, I beg to move that the Bengal Non-Agricultural Tenancy (Temporary Provisions) Extending Bill, 1947, as settled in the Assembly, be passed.

Mr. BIMAL CHANDRA SINHA: Sir, I rise to oppose the third reading of the Bill. May I have a few minutes, but as you are going to adjourn the House, may I reserve my speech for the next day?

Mr. SPEAKER: It is a very small Bill——

Mr. BIMAL CHANDRA SINHA: Sir, on a point of order. It is not a question of small or big bills. It is my inherent right to make a speech on such an occasion and in that case there is no limit of time I would request you, Sir, to hold over the matter till next day.

The Hon'ble Mr. MOHAMMED ALI: You begin, there is still five minutes and you can make use of them.

Mr. SPEAKER: Mr Sinha, are you going to stick to it?

Mr. BIMAL CHANDRA SINHA: Yes.

Mr. SPEAKER: Let us go on, Mr. Sinha

Mr. BIMAL CHANDRA SINHA: Sir, I rise to oppose the third reading of the Bill I feel that this question is not really so innocuous as it appears to be For sometime Government have been dealing with this question, and though it is five or six years, no final decision has been arrived at. The Bengal Non-Agricultural Tenancy Bill has been on the legislative anvil for a long time. I shall not be revealing any secret if I state that but for the co-operation of the Opposition and its unobstructionist attitude the Report of the Select Committee would not have been before the House by this time If the Opposition had asserted its constitutional rights, the report of the Select Committee on the Bengal Non-Agricultural Tenancy Bill, would not have seen the light of the day

Mr. SPEAKER: That does not refer to the Bengal Non-Agricultural Tenancy (Temporary Provisions) Extending Bill. Please confine your speech to this Bill

Mr. BIMAL CHANDRA SINHA: I wish to impress upon this House that the question of Non-Agricultural Tenancy can brook no delay and there is supreme necessity of arriving at a final decision now.

There is the supreme necessity of arriving at a final decision in this matter I find, Sir, that from year to year this provision is being extended without any final decision being arrived at And what is the condition today? With what view the Ministry is going to enact this legislation? I say, Sir, that a piece of legislation cannot be torn out of the context of the whole policy of the Government You have, Sir, that saying in Kalidas that a weapon can be used for the protection of the weak as also for the oppression of the poor If that be so, you shall have to examine whether you are placing the weapon in the hands of an honest and fair Ministry or you are placing the weapon in the hands of a Ministry that is out to destroy a section of the population for the benefit of a particular section of Bengal. If that be so, you shall have to examine with what object this legislation is going to be applied to the people of Bengal Is it really for the benefit of non-agricultural tenants who are suffering from long-standing grievances or for the benefit of a particular section? That is the position, Sir, you cannot ignore today. If that be so, I would remind the House of the speech made by the Hon'ble Finance Minister in his reply to the budget debate that, after all, the programme is the programme of the Muslim League Ministry. It is only a question of change of master so far as the Hindus are concerned and the Ministry is out to benefit the Muslims. As far as the

Ministry is concerned, that is their policy. What does this Bill propose to do so far as the non-agricultural tenants are concerned irrespective of their religious persuasion? If you look into the report of the select Committee on the Non-Agricultural Tenancy Bill that has just been presented, you will find a note of dissent that such and such clauses should be deleted from the Bill. Why? Not because the tenants will benefit but because the Muslims who are in a minority won't be able to come to cities. If that be so, this is not really a measure to benefit the non-agricultural tenants but only a section of the non-agricultural tenants and belonging to a particular religious persuasion. I cannot be blind to the fact that this Ministry, whatever might be the nature of the legislation is out to destroy its very purpose by administrative methods and by maladministering the legislation that is being passed. I say, Sir, the measures of nationalisation are really frauds of nationalisation in the name of communalisation. I say, Sir, the measures that are designed to benefit the so-called tenants are not really designed to benefit the tenants but only to keep satisfied the party members and their followers so that tenants might die but the party may grow and the votes may remain solid. That is the position. I shall not be surprised if a few days hence there are a few more Ministers in the House and a reshuffle in the Cabinet and addition in the number of Ministers and additional expenditure from the public revenue. Why, Sir? Why, because Bengal is bankrupt, because the people of Bengal are starving, but still the party in power must be kept in power because, after all, loaves and fishes must go to the party members. If that be the whole background, you cannot take out this Bill from this wider background and consider it individually merely as an individual piece of legislation. If that be the background, this measure is *malafide* and not *bonafide*. That *malafide* is proved by the fact that the Ministry is really trading on this measure so that this measure might come in a form and at a time when there can be no opposition from those who are really sufferers, no matter whether they are Hindus or Muslims, but the party might retain their power and consolidate that power for purposes that the people of Bengal have been too well acquainted with their bitter experience.

Mr. SPEAKER: Order, order. Since I announced the time for taking up the adjournment motion on Tuesday, it has been brought to my notice that in some parts of the city the curfew begins from 7 p.m. I think that the motion should be taken up earlier. So, I fix 4-30 p.m. on Tuesday for taking up the adjournment motion.

Adjournment.

The House was then adjourned at 6-30 p.m. till 10 a.m. on Saturday, the 19th April, 1947, at the Assembly House, Calcutta.

Proceedings of the Bengal Legislative Assembly assembled under the provisions of the Government of India Act, 1935.

THE ASSEMBLY met in the Assembly House, Calcutta, on Saturday, the 19th April, 1947, at 10 a.m.

Present:

Mr. Speaker (the Hon'ble MR. NURUL AMIN) in the Chair, 9 Hon'ble Ministers and 162 members.

STARRED QUESTIONS

(to which oral answers were given)

Multipurpose Co-operative Society, Ltd., Kishoreganj, Mymensingh.

***187. Mr. AMULYA CHANDRA ADHIKARI:** (*a*) Will the Hon'ble Minister in charge of the Co-operation Department be pleased to state whether he is aware—

(*i*) that a number of suits have been instituted against the Multipurpose Co-operative Society, Ltd., of Kishoreganj in the Mymensingh district;

(*ii*) that the said society has been prosecuted on a charge of profiteering in respect of selling kerosene oil at a higher price than the controlled price;

(*iii*) that the Subdivisional Officer, Kishoreganj, is collecting money for this society by coercion; and

(*iv*) that the said Subdivisional Officer sent circular letters to the Secretaries, the Headmasters of certain high English schools and middle English schools and to all senior and junior madrasahs to deposit their funds, reserved or otherwise, with the said Multipurpose Co-operative Society, Ltd.?

(*b*) If the answers to (*a*)(*iii*) and (*iv*) are in the affirmative, is the Hon'ble Minister considering the desirability of holding an enquiry into the affairs of the said Multipurpose Society, Ltd.?

Mr. MASIUDDIN AHMED (on behalf of the Hon'ble Mr. A. F. M. Abdur Rahman): (*a*) (*i*) and (*iv*) Yes.

(*ii*) An officer of one branch only has been prosecuted and the case is pending.

(*iii*) No.

(*b*) I shall have an enquiry made.

Mr. AMULYA CHANDRA ADHIKARI: With reference to answer (*a*)(*iv*), will the Hon'ble Minister be pleased to state if he is aware that the Subdivisional Officer issued an order to the head of the institution on 23rd May, 1945, to open accounts with the Multi-purpose Society?

Mr. MASIUDDIN AHMED: The answer is there in (*a*)(*iv*), namely, "Yes".

Mr. AMULYA CHANDRA ADHIKARI: Will the Hon'ble Minister be pleased to state if the Subdivisional Officer passed an order under memorandum No. 1419-86, dated 17th February, 1946, that no Union Food Committee will be allowed to purchase controlled commodities from the wholesale multi-purpose society unless each of them purchases shares worth Rs. 5,000——

Mr. SPEAKER: It is rather supplying information and not asking for information.

Mr. AMULYA CHANDRA ADHIKARI: I am asking for information.

Mr. BIMAL COMAR CHOSE: On a point of privilege, Sir. It is quite correct to give some information in order to ascertain whether that is true or not. That has been the practice before, we can ask for an information which may appear in the nature of supplying information but which really is for the purpose of eliciting from the Minister as to whether the information is correct or not.

Mr. SPEAKER: But this question seems to be useless. The next question may be put taking it for granted that certain letter was issued by the Subdivisional Officer.

Mr. BIMAL COMAR CHOSE: That is for the honourable member to frame his question.

Mr. AMULYA CHANDRA ADHIKARI: Sir, I like to ask the Hon'ble Minister whether he is aware that there was coercion or not. I am placing these facts before him as to whether he is aware.

Mr. SPEAKER: Plase frame your question taking it for granted that such an order was passed.

Mr. AMULYA CHANDRA ADHIKARI: Is the Hon'ble Minister aware of the following facts, namely, that the Subdivisional Officer passed an order under memorandum No. 1419-86, dated 17th February, 1946, that no Union Food Committee will be allowed to purchase controlled commodities from wholesale multi-purpose society unless each of them purchases at least shares worth Rs. 5,000 and (2) is the Hon'ble Minister aware that under memorandum No. 182-47, dated 30th May, 1945, the Subdivisional Officer issued an order on Presidents of Union Boards to the effect that no union co-operative multi-purpose society will be allowed controlled commodities unless each union has raised share money worth Rs. 10,000?

Mr. MASIUDDIN AHMED: I am not aware of the memorandums under reference. If the honourable member supplies me with a copy I will see.

Mr. MANORANJAN DHAR: Is the Hon'ble Minister aware that 60 defalcation cases are pending against different members of the society of Kishoreganj subdivision?

Mr. MASIUDDIN AHMED: Only seven cases are pending in court and they are *sub judice*.

Mr. MANORANJAN DHAR: What are the allegations involved in these cases?

Mr. MASIUDDIN AHMED: The matter is *sub judice*. I have already said that.

Mr. AMULYA CHANDRA ADHIKARI: Is the Hon'ble Minister aware that under memorandum No. 7577D., dated 24th April, 1945, the District Magistrate of Mymensingh threatened the Subdivisional Officer that he would withdraw his support from the multi-purpose society if he continued the system of refusing ration to individuals unless they purchase shares of multi-purpose society?

Mr. MASIUDDIN AHMED: I have no such information.

Mr. MANORANJAN DHAR: Is the Hon'ble Minister aware that the control of foodstuffs and other things is being done by these societies on behalf of Government?

Mr. MASIUDDIN AHMED: For facility of work it is done by the society.

Mr. MIRZA ABDUL HAFIZ: Is the Hon'ble Minister aware that the multi-purpose co-operative society of Kishoreganj subdivision is a society of poor men of the subdivision?

Mr. MASIUDDIN AHMED: Yes, it is correct.

Mr. MIRZA ABDUL HAFIZ: Is the Hon'ble Minister aware that poor people of each village in the subdivision has purchased ordinarily at least ten-rupee share of the union multi-purpose society which has been affiliated to the subdivisional multi-purpose society?

Mr. MASIUDDIN AHMED: May be.

Mr. MANORANJAN DHAR: Is the Hon'ble Minister aware that only 5 per cent. of the people are members of society in the subdivision?

Mr. MASIUDDIN AHMED: That is not a fact.

Mr. MANORANJAN DHAR: Is the Hon'ble Minister aware that in a profiteering case in Bajitpur regarding paper business the District Judge in an appeal case remarked that in that profiteering case the Subdivisional Officer, as the head of the multi-purpose society, should be proceeded against instead of the accused?

Mr. MASIUDDIN AHMED: This is a story to me

Mr. MIRZA ABDUL HAFIZ: Is the Hon'ble Minister aware that the multi-purpose society is a menace to the profiteers, hoarders and black-marketeers of Kishoreganj subdivision?

Mr. SPEAKER: That is a matter of opinion

Mr. MIRZA ABDUL HAFIZ: Is it not a fact that vested interests have instituted a number of cases against the society to battle the noble and beneficial object of the society?

Mr. SPEAKER: That is a matter of opinion.

Mr. A. T. MAZHARUL HAQUE: Is it a fact that Mr. I. A. Ali as Secretary recommended formation of multi-purpose societies on an all-Bengal basis?

Mr. MASIUDDIN AHMED: Mr Ali is of that opinion.

Mr. MANORANJAN DHAR: In view of the answer given by the Hon'ble Minister, will he be pleased to state whether he has seen the judgment of the District Judge of Mymensingh?

Mr. MASIUDDIN AHMED: The Hon'ble Minister has not seen the judgment.

Mr. MIRZA ABDUL HAFIZ: Is it a fact that disappointed workers and vested interests of the subdivision are saying that the Subdivisional Officer collected money by coercion in order to discredit the Subdivisional Officer?

Mr. SPEAKER: That is a matter of opinion.

Mr. MANORANJAN DHAR: Is the Hon'ble Minister prepared to accept my statement when I am exactly quoting from the judgment of the District Judge in a case——

Mr. HAMIDUDDIN AHMED: On a point of order, Sir. Is the honourable member entitled to get an information from the Hon'ble Minister, which he knows already?

Mr. MANORANAN DHAR: Is the Hon'ble Minister prepared to accept my question from the judgment delivered by the District Judge of Mymeasingh in a case in Bajitpur?

Mr. SPEAKER: That question does not arise.

Mr. NIHARENDU DUTT-MAZUMDAR: Will the Hon'ble Minister be pleased to state whether Government has studied the judgment delivered by the Sessions Judge in the case referred to by the last questioner?

Mr. SPEAKER: He has already said that the judgment has not been brought to the notice of the Hon'ble Minister.

Mr. NIHARENDU DUTT-MAZUMDAR: Will the Hon'ble Minister be pleased to state whether Government is considering the desirability of acquainting itself with that particular judgment?

Mr. MASIUDDIN AHMED: No, unless it is brought to the notice of Government.

Mr. NIHARENDU DUTT-MAZUMDAR: Will the Hon'ble Minister be pleased to state whether Government contemplates considering the judgment when sent on to Government and taking due steps as contemplated in that judgment?

Mr. SPEAKER: That question has been answered.

Mr. NIHARENDU DUTT-MAZUMDAR: Will the Hon'ble Minister be pleased to state if he will consider this as sufficient notice in respect of that judgment?

Mr. MASIUDDIN AHMED: No.

Mr. AMULYA CHANDRA ADHIKARI: Will the Hon'ble Minister be pleased to state whether the accounts and the stock of the society were examined by any auditor?

Mr. MASIUDDIN AHMED: I cannot follow him

Mr. NIHARENDU DUTT-MAZUMDAR: It is very difficult for you to follow when it is the question of accounting stocks.

Mr. AMULYA CHANDRA ADHIKARI: My question is, will the Hon'ble Minister be pleased to state if the accounts and the stock, both of the central and rural offices, were audited?

Mr. MASIUDDIN AHMED: I want notice.

Mr. AMULYA CHANDRA ADHIKARI: Will the Hon'ble Minister be pleased to state if he is aware of the fact that stocks of the Society were found short in the godowns by lakhs of rupees by the auditor?

Mr. MASIUDDIN AHMED: Government is not aware of it.

Mr. NIHARENDU DUTT-MAZUMDAR: Will the Hon'ble Minister be pleased to state if he is aware that accounts they have none and very little stocks are now left in the stores of the Multi-purpose Co-operative Society?

Mr. MASIUDDIN AHMED: I have already answered the question.

Accommodation of Bihar refugees in the proposed Leper Colony at Piardoba, Bankura.

***188. Mr. KANAILAL DE:** (*a*) Will the Hon'ble Minister in charge of the Relief and Rehabilitation Department be pleased to state whether Government is contemplating to accommodate Bihar refugees at Piardoba in the premises of the proposed Leper Colony in the district of Bankura?

(*b*) If so, does the Hon'ble Minister propose to postpone the establishment of the Leper Colony there?

Mr. MASIUDDIN AHMED (on behalf of the Hon'ble Mr. A. F. M. Abdur Rahman): (*a*) Yes.

(*b*) A considerable amount of preliminary work by way of survey and propaganda is required before a Leper Colony can be successfully established. This work is now in progress and will have to continue for some time before the camp is actually required for accommodation of lepers. It is hoped that when it is actually required for a Leper Colony the Camp will be available. The question of postponing the establishment of the Colony does not, therefore, arise at present.

Mr. KANAI LAL DE: মাননীয় মন্ত্রীমহাশয় উত্তরে (b) প্রসঙ্গে যে বলেছেন—"A considerable amount of preliminary work by way of survey propaganda is required before a Leper Colony can be successfully established"—এই survey propaganda আরম্ভ হয়েছে কিনা?

Mr. MASIUDDIN AHMED: Yes, it has already been started.

Mr. KANAI LAL DE: কে এই survey করছেন?

Mr. MASIUDDIN AHMED: The officer responsible for it.

Mr. KANAI LAL DE: সেই অফিসারের নাম কি?

Mr. MASIUDDIN AHMED: I am sorry, I cannot give off-hand.

Mr. BIMAL COMAR CHOSE: Will the Hon'ble Minister be pleased to state how long the work is likely to continue before the Colony is made available for lepers?

Mr. MASIUDDIN AHMED: Unfortunately it is not my department. It concerns the Department of Health and Local Self-Government.

Mr. BIMAL CHANDRA SINHA: Will the Hon'ble Minister be pleased to state as to whether there exists any building at the spot for the Leper Colony, or if the building does not exist where are the Bihar refugees accommodated?

Mr. MASIUDDIN AHMED: For the information of the House I can tell that this building has not been occupied by the Bihar refugees. It is lying vacant, and I do not think that it will be necessary to acquire it for the Bihar refugees.

Mr. BIMAL CHANDRA SINHA: Then, will the Hon'ble Minister be pleased to explain what does he mean by the statement that considerable amount of preliminary work by way of survey and propaganda is required before the Leper Colony can be successfully established? Does he mean that the preliminary work of survey has to be made, or does he mean that the building exists already?

Mr. MASIUDDIN AHMED: I have already answered as the member will understand. I have nothing further to add.

Mr. BIMAL CHANDRA SINHA: The answer was the premises were not occupied by Bihar refugees. That is not my point. My point is: you say that survey and preliminary work will have to be done. Shall we understand that at present there exists no building, or there is a building? If there is, what is the necessity of survey and other works?

Mr. MASIUDDIN AHMED: As a matter of fact, this site was an aerial base and there are buildings and huts. The Public Health Department want to convert it into a Leper Colony. Therefore, as a matter of fact, huts exist there.

Mr. MIRZA ABDUL HAFIZ: Will the Hon'ble Minister be pleased to state the reason why Biharis have become refugees in Bengal, for whom home and accommodation is sought for in Bengal here and there?

Mr. MASIUDDIN AHMED: Because they do not find themselves safe in Bihar.

Mr. KANAILAL De: এই preliminary কাজ করতে গভর্নমেণ্টের কত সময় লাগবে, মন্ত্রী-মহাশয় অনুগ্রহ করে জানাবেন কি?

Mr. MASIUDDIN AHMED: I have already answered that this does not concern my department.

Mr. BIMAL COMAR GHOSE: If the Hon'ble Minister cannot reply why is he answering the question relating to this department?

(No answer.)

Mr. BIMAL COMAR GHOSE: Will the Hon'ble Minister be pleased to state that no propaganda is necessary for the establishment of Leper Colony?

Mr. SPEAKER: The answer was that so far as the Leper Colony Scheme is concerned, this does not fall within the jurisdiction of the Hon'ble Minister in charge of Relief. He gave answer only to those questions which relate to the accommodation of Bihar refugees in that particular place and not with regard to the Leper Colony Scheme.

Mr. BIMAL COMAR GHOSE: Will Mr. Speaker be pleased to direct the Minister in charge of Leper Colony to answer to that particular matter, because that is also a very important question?

Mr. SPEAKER: If you are to get an answer with regard to the establishment of Leper Colony, or when that Scheme will be given effect to, a fresh question will be necessary.

Mr. BIMAL COMAR GHOSE: Question (*b*) refers to the Leper Colony specifically.

Mr. SPEAKER: The answer was that the Bihar refugees have not been accommodated there, so far as the relief scheme is concerned. But so far as the Leper Colony is concerned, you may put a fresh question.

Dr. SURESH CHANDRA BANERJI: Who supplied this portion of the information that considerable amount of preliminary work by way of survey and propaganda is required before a Leper Colony is established?

Mr. MASIUDDIN AHMED: The Public Health Department.

Mr. NIHARENDU DUTT-MAZUMDAR: It is very difficult in view of what the Hon'ble Minister says to put supplementaries. According to him it relates to some other department. In this question it ought to have been anticipated that the question of Leper Colony was involved.

Mr. SPEAKER: The main question is with regard to the accommodation of Bihar refugees in certain place, not with regard to the scheme of the

Leper Colony. So this question cannot be anticipated, unless a question is put expressly for the purpose of eliciting information with regard to Leper Colony Scheme.

Mr. NIHARENDU DUTT-MAZUMDAR: The question arose because the intended accommodation for Leper Colony was misappropriated for the use of Bihar refugees.

Mr. SPEAKER: So far as this department is responsible the answer was that Bihar refugees have not been accommodated there.

Mr. NIHARENDU DUTT-MAZUMDAR: Will the Hon'ble Minister be pleased to state when does he propose to vacate the areas intended for the purpose of establishment of Leper Colony?

Mr. SPEAKER: After the replies given, this question does not arise.

De-requisitioning of residential premises in Calcutta.

***189. Mr. R. HAYWOOD:** (*a*) Will the Hon'ble Minister in charge of the Chief Minister's (Common Services) Department be pleased to state—

(*i*) the number of residential premises in Calcutta released from requisition since 31st May, 1946;

(*ii*) the number of residential premises still remaining to be released from requisition;

(*iii*) the number of residential premises in Calcutta occupied by Government servants; and

(*iv*) the reasons for not de-requisitioning such premises?

(*b*) If it is a fact—

(*i*) that there are vacant quarters in Government hostels in Calcutta; and

(*ii*) that instances have occurred of quarters in Government hostels being let to non-Government servants?

(*c*) If so, why are such Government quarters not allotted to Government servants who are at present occupying requisitioned residential premises?

(*d*) When is it proposed to de-requisition residential premises at present occupied by Government servants?

Mr. ABDUL KARIM (on behalf of the Hon'ble Mr. H. S. Suhrawardy): (*a*) (*i*) One hundred and ninety-two (up to 31st January, 1947).

(*ii*) Five hundred and ninety-three (including premises occupied by Central Government). This figure includes a large number of cases where only a portion of a house has been requisitioned, e.g., where two or three rooms have been taken over for the purposes of the Rationing Department.

(*iii*) Seventy-four. This figure includes 37 premises occupied by Central Government servants.

(*iv*) In view of the acute shortage of residential accommodation, it was not possible to release all such premises immediately. A number of such premises have already been de-requisitioned and as far as the Government of Bengal are concerned instructions have been issued that all must be de-requisitioned by 31st of March, 1947.

(*b*) (*i*) There is no Government of Bengal's hostel in Calcutta which has vacant quarters, but the Government of India hired land and constructed buildings for residential accommodation for their bachelor officers. Control of these buildings is not with the Government of Bengal.

(*ii*) This Government is not aware of any such case.

(*c*) Does not arise.

(*d*) As previously mentioned, the Government of Bengal have given instructions that residential premises occupied by Government servants must be de-requisitioned by the 31st of March, 1947. It is not possible to say when premises occupied by Government of India's servants will be set free although this matter is now under discussion by the Government of India's Advisory De-requisitioning Board.

Mr. A. F. STARK: Will the Hon'ble Minister be pleased to state if all residential premises occupied by Government servants have in fact been de-requisitioned by 31st March according to Government instructions?

Mr. ABDUL KARIM: Notices have been issued. I do not know what has been done after the 31st March.

Mr. A. F. STARK: On a point of order. Could this question be held over in view of the fact that Government apparently are not in a position to reply to supplementary questions?

Mr. ABDUL KARIM: The question was put long before and the answer was ready and sent to the Assembly Department before 31st March.

Mr. SPEAKER: I think a fresh question will be necessary. The answer was ready but on account of certain circumstances this question could not be taken up.

Mr. A. F. STARK: Will the Hon'ble Minister be pleased to state when it is expected that the 573 premises still under requisition will be released?

Mr. ABDUL KARIM: I have already said all these houses are not in occupation of the Government of Bengal. The Central Advisory De-requisitioning Board is considering individual cases periodically and it takes necessary action, according to merits of each case.

Mr. A. F. STARK: Will the Hon'ble Minister be pleased to state if it is not possible to give any indication of the date when these requisitioned premises will be released so far as the Government of Bengal are concerned?

Mr. ABDUL KARIM: So far as the Government of Bengal are concerned they have already indicated their intention to release the residential houses as early as possible without any further delay. Regarding houses that are occupied for office purposes, Government are trying to release them as soon as sufficient accommodation can be made for these offices.

Mr. A. F. STARK: Will the Hon'ble Minister be pleased to state if in view of the shortage of accommodation in Calcutta the Government of Bengal have made any representations to the Government of India with regard to the de-requisitioning of premises requisitioned by the Government of India?

Mr. ABDUL KARIM: The Government of Bengal has got a nominee of its own in the Central De-requisitioning Board and he is taking all possible steps in this direction.

Mr. ABDUS SABUR KHAN: Is the Hon'ble Minister aware that in spite of Government's decision to de-requisition all the houses by 31st March, a large number of houses are still occupied by the employees of the Bengal Government?

Mr. SPEAKER: That question has already been answered.

Mr. ABDUS SABUR KHAN: Mr. Speaker, it was for that reason that I wanted to support Mr. Stark's point that the question should be held over, because there are a large number of supplementaries of which definite and accurate answers will not be forthcoming from the Minister concerned.

Mr. SPEAKER: I have already expressed my view that a fresh notice would be necessary.

Publication of cause list in the office of Agricultural Income-tax Officer, Dinajpur.

***190. Mr. NISHITHA NATH KUNDU:** (*a*) Will the Hon'ble Minister in charge of the Finance Department be pleased to state whether it is a fact—

(*i*) that no cause list containing dates of hearing, filing of papers and for taking other steps is hung up in the office of the Agricultural Income-tax Officer at Dinajpur for the information of the parties, lawyers and their clerks concerned;

(*ii*) that the aforementioned dates of hearing, etc., are not communicated to the clerks of the lawyers when they approach the staff or staffs concerned but the lawyers or the parties themselves are asked to come for dates;

(*iii*) that the parties are inconvenienced at this and the lawyers are not expected to come to Agricultural Income-tax office for obtaining dates only;

(*iv*) that copies applied for by the lawyers are not delivered to their respective clerks even when the lawyers authorise in writing such delivery and presence either of the lawyers or the parties is insisted upon for such delivery of copies; and

(*v*) that the practice of delivery of copies to the lawyers' clerks in the civil, criminal and revenue courts is in vogue?

(*b*) If the answers to (*i*) to (*v*) are in the affirmative, will the Hon'ble Minister consider the desirability of issuing direction to the Income-tax Officer at Dinajpur either to communicate dates to the clerks of the lawyers or to hang up a cause list containing dates and also to deliver copies to the clerks of the lawyers when they have written authority for taking delivery from their respective lawyers?

MINISTER in charge of the FINANCE DEPARTMENT (the Hon'ble Mr. Mohammed Ali:) (*a*) (*i*) to (*iii*) All the different dates fixed for different proceedings under the Act are duly and timely communicated to the assessees by registered post with acknowledgment due as provided in the Act and in the departmental circulars. Instructions have since been issued by the Commissioner of Agricultural Income-tax to hang up cause lists showing dates of hearing of cases and for taking other steps as far as practicable.

(*iv*) and (*v*) Under section 56 of the Agricultural Income-tax Act, 1944, the proceedings under the Act are treated as confidential. Details of income of the assessees are not recorded in the assessment proceedings, and as such, lawyers' clerks not being legal representatives of the assessees, the copies applied for by the assessees or their legal representatives are delivered to the assessees or their legal representatives only.

(*b*) Instructions have since been issued by the Commissioner of Agricultural Income-tax to have the cause lists as per (*a*) (*i*) above hung up in some prominent place of the assessment office.

The second part of the question has already been answered in (*a*)(*iv*) and (*v*) above.

UNSTARRED QUESTIONS

(answers to which were laid on the table)

Collection of Agricultural Income-tax in Rajshahi district.

69. Mr. PROVASH CHANDRA LAHIRI: (*a*) Will the Hon'ble Minister in charge of the Finance Department be pleased to state whether it is a fact—

(*i*) that Agricultural Income-tax is now being collected in the district of Rajshahi at a flat calculation on about 19 maunds of paddy grown per acre of land; and

(*ii*) that the Hon'ble Minister made a statement in the last session of the Assembly to the effect that only the net production should be taxed?

(*b*) If the answer to (*a*) is in the affirmative, will the Hon'ble Minister be pleased to state whether he contemplates stopping such collection and ordering for refund of the excess tax, thus collected, if any?

The Hon'ble Mr. MOHAMMED ALI: (*a*) (*i*) It is not a fact that Agricultural Income-tax is being collected now at a flat calculation on about 19 maunds of paddy grown per acre of land in the Rajshahi district. The facts are where an assessee is found to have maintained accounts and have produced these as evidence and found reliable, these are ordinarily followed. Even if complete accounts are not maintained the figures of the assessee shown in the return are followed if they are found reasonable and not widely different from those given in the different statistical reports of Government or variant with actual facts. In case the figures shown by an assessee are found abnormally below the prevailing rates of outturn as collected and prepared in the Directorate of Agriculture for the year, such prevailing rates of outturns are followed making allowance for fallow lands, lands of poorer quality, etc. For the account year 1943-44, the prevailing or average outturn was 19 maunds of *aman* per acre, for 1944-45 it was 13 maunds and for 1945-46 it was 15 maunds. For *aus*, the outturns were 16 maunds, 13 maunds and 13 maunds respectively for the 3 years.

(*ii*) The information noted in reply to question (*i*) establish that assessment is based on the actual agricultural income as found on facts.

(*b*) Does not arise.

Hearing of appeals of Agricultural Income-tax cases in Calcutta.

70. Mr. NISHITHA NATH KUNDU: (*a*) Will the Hon'ble Minister in charge of the Finance Department be pleased to state whether it is a fact—

(*i*) that appeals from mufassal districts arising out of Agricultural Income-tax cases are generally heard in Calcutta by the Assistant Commissioner; and

(*ii*) that hearing of appeals in Calcutta is causing great hardship and more expenses to the appellants from the mufassal districts?

(*b*) If so, will the Hon'ble Minister consider the desirability of remedying the hardship of the appellants from the mufassal districts?

(*c*) Will the Hon'ble Minister be pleased to state—

(*i*) what is the number of appeals filed so far; and

(*ii*) what is the number of appeals disposed of?

The Hon'ble Mr. MOHAMMED ALI: (*a*) No; the appeals from mufassal districts are generally heard in the Range or District Headquarters

except in those cases where the appellants themselves want them to be heard in Calcutta apparently for reasons of expert legal advice. In the cases of districts close to Calcutta they are generally heard in Calcutta.

(*b*) Cases of hardship, if any, always receive adequate relief on representation made.

(*c*)	(*i*)	1945-46	... 1,098
		1946-47 (up to 18th November, 1946)	.. 754
			1,852
	(*ii*)	1945-46	... 574
		1946-47	... 478
			1,052

STARRED QUESTIONS

(to which oral answers were given)

Minor irrigation and tank improvement works.

***191. Mr. KAMAL KRISHNA ROY:** Will the Hon'ble Minister in charge of the Agriculture Department be pleased to state—

(*a*) whether the minor works of irrigation and tank improvement, the cost of which are debited to the Irrigation and Waterways Department Budget, are being done by the non-technical assistants of the Collectorates;

(*b*) whether there are ample Irrigation Officers in all the districts and in many subdivisions; and

(*c*) if so, why the Irrigation Officers are not consulted in those works?

Mr. ABDUL KARIM (on behalf of the Hon'ble Mr. Ahmed Hossain): (*a*) Minor irrigation works are executed in the districts both by the Irrigation and Waterway Directorate and by Collectors. The latter have been given instructions to consult the local officers of the Irrigation Department whenever available, and District Engineers.

(*b*) There are Irrigation Subdivisional Officers in all the districts and in most subdivisions.

(*c*) The honourable member is referred to the reply to question (*a*) above.

Mr. KAMAL KRISHNA ROY: With reference to answer (*c*), will the Hon'ble Minister be pleased to state in case of difference between the Collector and the Irrigation Officers whose decision prevails?

Mr. ABDUL KARIM: That is a hypothetical question; no case of difference has been referred to.

Mr. BIMAL CHANDRA SINHA: Will the Hon'ble Minister be pleased to state whether these minor irrigation works are taken up as isolated instances or as an integral part of District Development Schemes?

Mr. ABDUL KARIM: They are taken up as minor works under rehabilitation scheme.

Mr. BIMAL CHANDRA SINHA: Will the Hon'ble Minister be pleased to state whether these minor irrigation schemes are something different from the minor irrigation schemes included in the District Development Programme?

Mr. ABDUL KARIM: I think it is not in the District Development Programme.

Mr. BIMAL CHANDRA SINHA: My question has not been really answered. My question is, what is the distinction—are they of different nature? Naturally two schemes cannot be included in the same programme. I say whether their nature is different or their nature is the same?

Mr. ABDUL KARIM: I am not in a position to say anything about the District Development Programme here I am only concerned with the minor irrigation works that are executed by the District Magistrate.

Mr. BIMAL CHANDRA SINHA: Will the Hon'ble Minister be pleased to state if the Government is considering the desirability of consulting the District Development Committees before putting these scheme into operation so that there might be co-ordinated development?

Mr. ABDUL KARIM: Government will consider this.

Mr. KAMAL KRISHNA ROY: Will the Hon'ble Minister kindly state whether he is aware of the fact that in the district of Bankura, due to difference between the Collector and the Irrigation Officers many schemes were not taken up and many schemes after being taken up were given up?

Mr. ABDUL KARIM: I am not aware of any such fact

Mr. KAMAL KRISHNA ROY: Will he kindly enquire into the matter?

Mr. ABDUL KARIM: If a request is made by the honourable member I will certainly look into it.

Mr. ABDUS SABUR KHAN: Will the Hon'ble Minister be pleased to state if he is aware that a large amount of money allocated for minor irrigation projects in Khulna Sadar and Bagerhat has lapsed due to want of efficient supervision of these works?

Mr. ABDUL KARIM: I am not aware of it

Mr. PRAVASH CHANDRA LAHIRI: মাননীয় মন্ত্রীমহাশয় অনুগ্রহ করে জানাবেন কি যে রাজসাহী জেলার নাটোর-রাজসাহী রোডের পাশ দিয়ে Minor Irrigation Worksএর নামে যে drainকাটা হচ্ছে, সেটার বর্তমান অবস্থা কি? সেটা ভর্তি হয়ে গেছে, না, যেভাবে কাটা হয়েছিল সেইভাবেই আছে?

Mr. ABDUL KARIM: I am not in a position to give details of any definite individual case. The question relates to whether Irrigation Department experts were consulted or not.

Mr. SPEAKER: Mr Lahiri, so far as your question is concerned, it relates to a particular irrigation project, but this question does not contemplate all these particular instances. It is about the general policy. So it is not expected that the Government can supply information with regard to the various individual cases.

Mr. PROVAS CHANDRA LAHIRI: My submission is that the irrigation work is being done without consulting any experts.

Mr. SPEAKER: That has been answered that it was done in consultation with the Irrigation Department officers.

Mr. PROVAS CHANDRA LAHIRI: At least in the district of Rajshahi I know that the scheme was formulated without consulting any expert.

Mr. ABDUL KARIM: No such information has been brought to the notice of Government.

Mr. MUHAMMAD HABIBULLAH CHAUDHURY: Will the Hon'ble Minister be pleased to state whether if there is a difference of opinion between the Irrigation and Waterways Directorate and the Collectors whose opinion will prevail?

Mr. ABDUL KARIM: That is a hypothetical question.

Mr. ABDUS SABUR KHAN: Will the Hon'ble Minister be pleased to state what is the amount which lapsed for not executing these minor irrigation works during the last financial year, and what is the reason thereof?

Mr. SPEAKER: That question does not arise.

Mr. KANAI LAL DE: মাননীয় মন্ত্রী মহাশয় অনুগ্রহ করে জানাবেন কি যে ম্যাজিস্ট্রেট এবং Irrigation Departmentএর বড় কর্তার সঙ্গে মতভেদের জন্য বাঁকুড়া জেলার আমজোড়-কাড়াকুলা scheme বন্ধ হয়ে গেছে?

Mr. ABDUL KARIM: I am not aware of that.

Mr. KANAI LAL DE: তিনি এ বিষয়ে অনুসন্ধান করবেন কি?

Mr. ABDUL KARIM: If a request to that effect is made by the honourable member, Governmtnt will certainly consider it.

Mr. BIMAL CHANDRA SINHA: Will the Hon'ble Minister be pleased to explain whether the Collectors have been given instructions that in all cases they can proceed with the schemes when local officers of the Irrigation Department are not available?

Mr. ABDUL KARIM: They have been asked to consult technical experts whenever possible and in cases where such officers are not available they may proceed with the help of his departmental officers who have got some knowledge and experiences in the matter.

Mr. BIMAL CHANDRR SINHA: Will the Hon'ble Minister be pleased to explain what does he mean by technical experts and departmental officers? Is there any distinction between the two?

Mr. ABDUL KARIM: Technical officers are those who have got knowledge about engineering work such as overseers, etc.

Mr. BIMAL CHANDRR SINHA: Are we to understand that the men belonging to the Irrigation Department are not technical experts?

Mr. ABDUL KARIM: Yes, they are.

Sealing of Nadia District Congress Committee Office, Krishnagar, during August, 1942, movement.

***192. Mr. BASANT LAL MURARKA:** (*a*) Will the Hon'ble Minister in charge of the Home Department be pleased to state whether it is a fact that during the August, 1942, movement the police took over and sealed the office of the Nadia District Congress Committee, Krishnagar, and took away all papers, files, furniture, including almirahs, desks, etc., to the value of Rs.500 which were afterwards destroyed under the orders of the District Magistrate, Nadia?

(*b*) If the answer to (*a*) is in the affirmative, will the Hon'ble Minister be pleased to state under which Act or Law the articles were seized and destroyed?

(*c*) Will the Hon'ble Minister be pleased to state—

(*i*) what articles were seized;

(*ii*) what articles were destroyed; and

(*iii*) what steps have been taken to compensate for the loss?

Mr. K. NASARULLA (on behalf of the Hon'ble Mr. H. S. Suhrawardy) (*a*) Yes, but the amount of Rs. 500 representing the value of the propert seized seems to be greatly over-estimated.

(*b*) The articles were seized and destroyed under rules 126 and 132 of th Defence of India Rules.

(*c*) (*i*) and (*ii*) *Vide* copy of search list laid on the Library Table; all th articles were destroyed.

(*iii*) Sanction has been accorded to the *ex gratia* payment to the Nadi District Congress Committee, Krishnagar, of a sum of Rs.50 for some article of furniture which were in a dilapidated condition and destroyed unde orders of the District Magistrate, Nadia.

Mr. NIHARENDU DUTT-MAZUMDAR: Will the Hon'ble Minister b pleased to state whether any estimate of the value of the articles seized wa made before these articles were destroyed?

Mr. K. NASARULLA: Yes, Sir. From the report we received from the District Magistrate it appeared that the value of the furniture that wa destroyed was only Rs 2-12.

Mr. NIHARENDU DUTT-MAZUMDAR: My question was whether an estimate of value of the articles destroyed was made before the articles ha been destroyed, or this estimate was made by the District Magistrat afterwards?

Mr. K. NASARULLA: I think he did it before that.

Mr. NIHARENDU DUTT-MAZUMDAR: Will the Hon'ble Minister b pleased to state on which date these articles were seized and on which dat was the estimate of value prepared?

Mr. K. NASARULLA: I want notice.

Mr. NIHARENDU DUTT-MAZUMDAR: Will the Hon'ble Minister b pleased to state as to who was the official or expert who had prepared th estimate of value of these articles?

Mr. K. NASARULLA: I want notice.

Mr. NIHARENDU DUTT-MAZUMDAR: Will the Hon'ble Minister b pleased to state as to whether Government made any enquiries into th correctness or otherwise of the report of the District Magistrate as to th proper value of the articles destroyed?

Mr. K. NASARULLA: Government does not think that the report of th District Magistrate was incorrect

Mr. NIHARENDU DUTT-MAZUMDAR: In view of the Governmen statement a little while ago that Government is not aware of the fact as t who prepared the estimate of value and as to whether the estimate of valu was prepared before these articles were destroyed, will Government b pleased to reconsider the decision of value of the articles and enquir whether estimate of proper value was made before their destruction?

Mr. K. NASARULLA: Government does not think that the report o the District Magistrate about the value is incorrect, and therefore Govern ment is not prepared to reconsider the matter.

Mr. NIHARENDU DUTT-MAZUMDAR: Will the Hon'ble Minister inform this House at an early date as to who was the official who prepare the estimate of value and the date on which these articles were seized and destroyed?

Mr. K. NASARULLA: If a fresh question is put I can answer this question.

Dr. SURESH CHANDRA BANERJI: Will the Hon'ble Minister be pleased to state on what basis the sum of Rs. 50 was fixed?

Mr. SPEAKER: The basis is stated there.

Dr. SURESH CHANDRA BANERJI: Was there any basis?

Mr. K. NASARULLA: I have already said that.

Mr. MIRZA ABDUL HAFIZ: Will the Hon'ble Minister be pleased to state whether the person belonging to the Congress Committee who estimated the value as Rs. 500 was an expert, and what he was?

Mr. SPEAKER: That question does not arise.

Mr. MANORANJAN DHAR: With reference to answer *(b)*, will the Minister be pleased to state whether the Defence of India Rules 126 and 132 contain any provision which authorise specifically any authority to destroy any articles seized?

Mr. SPEAKER: That is a matter of interpretation of rules.

Inundation in Coalundo subdivision.

***193. Mr. AHMED ALI MRIDHA:** *(a)* Will the Hon'ble Minister in charge of the Co-operation, Credit and Relief (Famine Relief) Department be pleased to state—

(i) whether untimely inundation by flood has taken place this year in the subdivision of Goalundo in the district of Faridpur;

(ii) what are the unions affected by the flood,

(iii) what is the extent of damage to crops—(1) *aus* and (2) *aman* in each of the unions;

(iv) whether the subdivision is a surplus or a deficit one, and

(v) what was the extent of its deficit or surplus in the year 1945-46?

(b) Is it a fact that the area is a chronically deficit area and that since 1938 has been in the grip of distress and that in years 1938-39 and 1942-43 acutest famine conditions prevailed?

(c) Do the Government consider the desirability of providing relief measures immediately?

(d) If so, will the Hon'ble Minister be pleased to state when they are going to do that?

Mr. MASIUDDIN AHMED (on behalf of the Hon'ble Mr. A. F. M. Abdur Rahman): *(a)* *(i)* Yes, in 1946, but the entire subdivision was not affected.

(ii) (1) Ujanchar, (2) Debagram, (3) Daulatdia, (4) Chota Vakla, (5) Barat, (6) Panchuria, (7) Dadsi, (8) Ratandia, (9) Habaspur, (10) Kalikapur, (11) Jasai, (12) Putia, (13) Kahmohar, (14) Khanganj, (15) Silimpur, (16) Bagmara, (17) Alipur, (18) Nimtola, (19) Khankhanapur, (20) Padamdi, (21) Dakshinbari, (22) Ramkantapur, (23) Sultanpur, (24) Basantapur, (25) Banibaha, (26) Mulghar, (27) Ramdia, (28) Narua, (29) Baharpur, (30) Arkandi, (31) Bahakandi, (32) Jangal, (33) Paikkandi, (34) Jamalpur, (35) Lakshmandia, (36) Gazna, (37) Meghchami, (38) Korakdi, (39) Sengram, (40) Meghna, (41) Pangsa, (42) Sarsa, (43) Kasbanamjhail, (44) Mrigi, (45) Boalia, (46) Majbari, (47) Chandani, and (48) Modapur.

(iii) (1) 75 per cent. in the first nine unions, 50 per cent. in the next twelve, and 25 per cent. in the last twenty-seven unions.

(2) 30 per cent. in the first nine unions, 20 per cent. in the next twelve, and 10 per cent. in the last twenty-seven unions.

(*iv*) Normally deficit.

(*v*) The deficit was about 11,000 tons.

(*b*) The subdivision is normally a deficit one, and distress prevailed in some part or other of the subdivision since 1938.

(*c*) and (*d*) Relief measures in the shape of sale of foodgrains at concessional rates were provided.

Dr. PROTAP CHANDRA GUHA ROY: Will the Hon'ble Minister be pleased to state the quantity of rice and paddy given at a concessional rate?

Mr. MASIUDDIN AHMED: I cannot answer that off-hand.

Mr. MUHAMMAD HABIBULLAH CHAUDHURY: Will the Hon'ble Minister be pleased to state whether Government are considering the desirability of taking permanent steps to stop floods in this particular area?

Mr. MASIUDDIN AHMED: Government will look into it.

Dr. PROTAP CHANDRA GUHA ROY: Is Government contemplating taking any steps to give relief to people where rice and paddy are now selling at Rs. 28 to 30?

Mr. SPEAKER: That does not come within the scope of this question.

Appointments in the Provincial Statistical Bureau.

*194. **Mr. MD. HABIBULLAH CHAUDHURY:** (*a*) Will the Hon'ble Minister in charge of the Finance Department be pleased to state—

(*i*) the number of gazetted officers and subordinates;

(*ii*) the number of Muslim gazetted officers and subordinates;

(*iii*) the number of Scheduled Caste gazetted officers and subordinates; and

(*iv*) the number of Caste Hindu gazetted officers and subordinates in the Provincial Statistical Bureau?

(*b*) Whether the Communal Ratio Rule has been observed in the appointment of gazetted officers and subordinates in the Bureau; if not, why not?

(*c*) Will the Hon'ble Minister be pleased to state if the post of Statistician in the Bureau has been reserved for a Muslim?

(*d*) If the answer to (*c*) is in the affirmative, will the Hon'ble Minister be pleased to state if qualified Muslim candidates are available?

The Hon'ble Mr. MOHAMMED ALI: (*a*)

(*i*) Gazetted officers—6.

Subordinates—

Clerical—27.

Technical—62.

(*ii*) Gazetted officer—1.

Subordinates—

Clerical—13.

Technical—27.

(*iii*) Gazetted officers—Nil.

Subordinates—

Clerical—3.

Technical—3.

(*iv*) Gazetted officers—4.

Subordinates—

Clerical—11.

Technical—25.

(*b*) Communal Ratio Rules have been followed in making appointments but owing to non-availability of suitable Muslim and Scheduled Caste candidates a number of technical posts reserved for these communities have been left vacant and a number filled temporarily by men from other communities.

(*c*) Yes.

(*d*) Not yet.

Mr. BIMAL CHANDRA SINHA: Will the Hon'ble Minister be pleased to state who is the permanent incumbent so far as (*c*) is concerned?

The Hon'ble Mr. MOHAMMED ALI: I ask for notice.

Mr. BIMAL CHANDRA SINHA: With reference to his answer (*c*), will the Hon'ble Minister be pleased to state who is the present incumbent of the post?

The Hon'ble Mr. MOHAMMED ALI: I would ask for notice.

Mr. BIMAL CHANDRA SINHA: Will the Hon'ble Minister be pleased to state whether there are any field workers in the categories of subordinates in the Provincial Statistical Bureau?

The Hon'ble Mr. MOHAMMED ALI: I would ask for notice.

Mr. BIMAL CHANDRA SINHA: Will the Hon'ble Minister be pleased to state whether enquiries are conducted by the subordinate and gazetted staff of this Statistical Bureau or the actual enquiry is done by the Indian Statistical Institute and the result is passed on to the Provincial Statistical Bureau?

The Hon'ble Mr. MOHAMMED ALI: Is the honourable member referring to survey work?

Mr. SPEAKER: I do not think Mr. Sinha's question comes within the scope of this question which is with regard to the appointments. Mr. Sinha's question is whether this Bureau does the work itself or some other institution does it and pass the result to the Provincial Bureau.

Mr. BIMAL CHANDRA SINHA: My question is what is really the work of the gazetted officers. I want to know whether these gazetted officers collect information from the subordinate staff.

Mr. SPEAKER: This question is with regard to the appointment. So your question does not arise.

Mr. MUHAMMAD HABIBULLAH CHAUDHURY: Will the Hon'ble Minister be pleased to state what steps Government took to train young Muslims in statistics?

The Hon'ble Mr. MOHAMMED ALI: That is a matter which is engaging the attention of Government. So far no concrete steps have been taken by Government to train statisticians.

Mr. MUHAMMAD HABIBULLAH CHAUDHURY: Will the Hon'ble Minister be pleased to state if he is aware that the gentleman who is in charge of the Bureau privately gives training to his friends and relations and all the posts which fall vacant go to those gentlemen?

The Hon'ble Mr. MOHAMMED ALI: I am not aware of it. So far as certain posts are concerned, recruitment is made on the recommendation of the Public Service Commission but so far as clerical appointments are concerned, they do not go to the Public Service Commission. They are filled up strictly according to the Communal Ratio Rules.

Mr. NIHARENDU DUTT-MAZUMDAR: Will the Hon'ble Minister be pleased to state, with reference to his answer (c), namely, that the post of Statistician in the Bureau has been reserved for a Muslim, what are the reasons for reserving this particular post for a Muslim candidate leaving it vacant so far?

The Hon'ble Mr. MOHAMMED ALI: It is reserved according to the Communal Ratio Rules.

Mr. NIHARENDU DUTT-MAZUMDAR: What is the special reason for reserving this particular post for a Muslim to the exclusion of any other candidate of any other community?

Mr. SPEAKER: That was done according to the Communal Ratio Rules.

Mr. NIHARENDU DUTT-MAZUMDAR: Sir, Communal Ratio Rules relate to the number of posts only.

Mr. SPEAKER: And also for vacancies that occur

Mr. NIHARENDU DUTT-MAZUMDAR: Will the Hon'ble Minister be pleased to state how long this post has been left vacant?

The Hon'ble Mr. MOHAMMED ALI: I want notice.

Mr. MUHAMMAD HABIBULLAH CHAUDHURY: With reference to answer (d), will the Hon'ble Minister be pleased to state if he is aware that false information was given to him by his department for reply to this question?

Mr. SPEAKER: That question does not arise.

Mr. BIMAL COMAR GHOSE: Will the Hon'ble Minister be pleased to consider the desirability—where in respect of technical posts Muslims are not likely to come forward or found—of filling up such posts by members of any other community?

Mr. SPEAKER: That is covered by answer (b) where it is stated that technical posts reserved for these communities have been left vacant and a number filled temporarily by men from other communities.

Mr. BIMAL COMAR GHOSE: Sir, my question is whether Government would consider the desirability of relaxing the Communal Ratio Rules in respect of such appointments only?

The Hon'ble Mr. MOHAMMED ALI: Government do not consider the desirability of relaxing the Communal Ratio Rules. But if a particular post reserved for a candidate of a particular community cannot be filled up by a suitable candidate belonging to that community, then the post is temporarily filled up by a suitable candidate from any other community. As soon as a suitable candidate belonging to the community for which the post is reserved is available the post is then filled up permanently by that candidate.

Mr. BIMAL COMAR GHOSE: Will the Hon'ble Minister be pleased to state if this particular post has been filled up temporarily by any candidate of any other community?

The Hon'ble Mr. MOHAMMED ALI: I should think so, but as I have said I do not know whether this particular post has been filled up temporarily. But generally the practice is that if a suitable candidate belonging to the community for which the post is reserved is not available, the post is temporarily offered to a member of any other community fulfilling the conditions required.

Mr. MUHAMMAD HABIBULLAH CHAUDHURY: Will the Hon'ble Minister be pleased to state if he is aware that posts under the Provincial Statistical Bureau have been filled up only with Brahmos and even Caste Hindus have been deprived of their proper share? (Laughter.)

The Hon'ble Mr. MOHAMMED ALI: I am not aware.

Mr. MIRZA ABDUL HAFIZ: Does the Hon'ble Minister consider the desirability of recruiting Muslims and Scheduled Castes and get them trained for such technical posts?

The Hon'ble Mr. MOHAMMED ALI: I have already replied to the question.

Mr. BIJOY KRISHNA SARKAR: Will the Hon'ble Minister be pleased to state why no gazetted post has been offered to any candidate of the Scheduled Castes?

The Hon'ble Mr. MOHAMMED ALI: The honourable member is referred to my reply (*b*). Suitable Scheduled Caste candidates were not available at the time when this post was filled up. As soon as a suitable candidate is available he will be appointed

Mr. BIJOY KRISHNA SARKAR: Will the Hon'ble Minister be pleased to state whether any Scheduled Caste candidate applied or not?

The Hon'ble Mr. MOHAMMED ALI: No Scheduled Caste candidate fulfilling the qualifications required applied for the post.

Mr. NIHARENDU DUTT-MAZUMDAR: Will the Hon'ble Minister be pleased to state whether the post of Statistician of the Bureau has been temporarily filled in by any qualified person of any other community?

Mr. SPEAKER: You are putting the same question over again.

Mr. BIMAL COMAR GHOSE: Will the Hon'ble Minister be pleased to state the period for which Government would like to keep a post vacant if no suitable candidate belonging to a particular community is forthcoming?

The Hon'ble Mr. MOHAMMED ALI: I cannot say what is the period. The appointment continues on a temporary basis till a suitable candidate belonging to that community is available.

Mr. BIMAL COMAR GHOSE: With reference to answer (*c*), will the Hon'ble Minister be pleased to state if a search was made in the Punjab for obtaining a suitable Muslim for the post of Statistician?

The Hon'ble Mr. MOHAMMED ALI: No, Sir.

Mr. MUHAMMAD HABIBULLAH CHAUDHURY: In view of the fact that there is a very strong feeling that the post though reserved for Muslims was not given to a Muslim in spite of the fact that there were suitable candidates, will the Hon'ble Minister be pleased to state if he is prepared to enquire into the matter and appoint a Muslim?

The Hon'ble Mr. MOHAMMED ALI: I can assure the House that if a suitable Muslim candidate is available he will be appointed.

Employment Exchange Organisation in Bengal.

***195. Mr. FAZLUR RAHMAN:** Will the Hon'ble Minister in charge of the Commerce, Labour and Industries Department be pleased to state—

(*a*) what percentage of expenditure Government have agreed to bear in connection with the setting up and running of the present Employment Exchange Organisation established by the Government of India under the Directorate of Resettlement and Employment;

(*b*) if they have agreed to bear a certain percentage of expenditure, for what period;

(*c*) whether Government contemplate taking over the existing Exchange under their control after the expiry of the stipulated period, and, if so, when and on what terms;

(*d*) how many Employment Exchanges are there at present functioning in Bengal Regional and Sub-Regional;

(*e*) how many officers from each community or each cadre have been sanctioned and how many officers in different cadres have so far been appointed to staff the Exchanges in this Province and what is their present communal composition;

(*f*) whether the Government were consulted in the matter of recruitment and in the determination of communal ratio of recruitment of those posts;

(*g*) how many Bengali officers have been appointed in various cadres of the Exchanges in Bengal and what is the actual number of such officers from different communities in respect of each cadre;

(*h*) whether the recruitment of the full complement of officers of different cadres has been made,

(*i*) if not, how many officers are at present officiating in various unfilled cadres and which communities they belong to;

(*j*) how many officers have been upgraded up till now;

(*k*) if any, what is their number and what is the proportion of Muslim officers;

(*l*) whether Government propose to move the Government of India to safeguard the interests of Muslim officers of this Province; and

(*m*) how many officers have so far been deputed to United Kingdom for advanced training and how many belong to this Province and, if any, which community they belong to?

MINISTER in charge of the COMMERCE, LABOUR and INDUSTRIES DEPARTMENT (the Hon'ble Mr. Shamsuddin Ahmed): (*a*) 40 per cent. *plus* provision of free accommodation for the Employment Exchanges.

(*b*) Five years.

(*c*) Has not been examined yet.

(*d*) One Regional and eight Sub-Regional Exchanges.

(e) Number of posts sanctioned for different cadres and the communal composition of the holders of these posts is as follows:—

	Managers and Deputy Managers.	Assistant Manager.	Assistant Public Relations Officers.
Caste Hindus ..	3	13	2
Scheduled Castes ..	2	2	1
Muslims ..	2	3	5
Other minority communities	1	1	1
Posts still vacant ..	2	2	..
Total ..	10	21	9

(f) No. Recruitment was made on an all-India basis and through the Federal Public Service Commission. The All-India communal composition rules were, however, strictly adhered to.

(g) The Federal Public Service Commission advertised these posts and recruited officers from amongst those who had applied. Very few Bengal Government officers were permitted by the heads of departments to apply: it is understood, however, that two of the officers, actually in employment at present, have a lien on posts under the Bengal Government.

(h) No. Two posts of Managers and two posts of Assistant Managers are still vacant.

(i) None of the above four posts have been filled on an officiating basis. The current charge of two posts of Managers is, however, being held by two senior Assistant Managers in addition to their own duties—both these officers happen to be Hindus. One Muslim officer had been offered one of these two "current charges", but he declined as he did not want to be disturbed from his present post at Calcutta "for such a short period" and "without any corresponding financial advantages".

(j) and (k) Two—one is a Muslim and the other is an "other minority community" candidate.

(l) Yes.

(m) No officer has been deputed to United Kingdom for advanced training yet, the reason being that this Province is still short of sanctioned staff and none can be spared at this stage.

Mr. NIHARENDU DUTT-MAZUMDAR: With reference to answer (i) to the effect that "One Muslim officer had been offered one of these two 'current charges', but he declined as he did not want to be disturbed from his present post at Calcutta", will the Hon'ble Minister be pleased to state as to which particular post that particular candidate is holding at present?

The Hon'ble Mr. SHAMSUDDIN AHMED: I am sorry, I have to ask for notice.

Mr. NIHARENDU DUTT-MAZUMDAR: Sir, I want to draw the attention of the Hon'ble Minister to answer contained in paragraph (i) where it is stated that one Muslim officer had been offered one of the posts but he declined as he did not find it financially advantageous. Now, will the Hon'ble Minister be pleased to state as to which particular department of Government is that Government officer serving now?

The Hon'ble Mr. SHAMSUDDIN AHMED: I cannot say offhand.

Mr. NIHARENDU DUTT-MAZUMDAR: Will the Hon'ble Minister be pleased to state whether that particular officer belongs to the Civil Supplies Department?

The Hon'ble Mr. SHAMSUDDIN AHMED: I cannot say offhand.

Mr. BIMAL COMAR GHOSE: With reference to answer (*f*), will the Hon'ble Minister be pleased to state the nature of the All-India Communal Composition Rules? Are these rules similar to the Bengal Communal Ratio Rules?

Mr. SPEAKER: The rules are there.

Mr. BIMAL COMAR GHOSE: With reference to answer (*m*) and in view of the fact that for this department the responsibility is of the Government of India, will the Hon'ble Minister be pleased to state as to what he means by saying that no officer has been sent to the United Kingdom as this Province is short of officers? Does he refer to the officers of this department or to Government officers generally?

The Hon'ble Mr. SHAMSUDDIN AHMED: I cannot say offhand.

Mr. NIHARENDU DUTT-MAZUMDAR: Does the answer (*m*) refer to officers employed under the Employment Exchange Organisation in Bengal?

The Hon'ble Mr. SHAMSUDDIN AHMED: I cannot say offhand.

Mr. NIHARENDU DUTT-MAZUMDAR: On a point of order, Sir. The Hon'ble Minister should be at least in a position to say whether the answer relates to the question. He says that he does not know. That is not a satisfactory reply.

Mr. SPEAKER: If the Hon'ble Minister does not know, how can I help you? That is not for me to decide.

Mr. BIMAL COMAR GHOSE: If that amount of protection is not to be given to us, what are we here for?

Mr. BIMAL CHANDRA SINHA: Sir, the Hon'ble Minister should give what information he has in his possession so that we may direct our supplementaries accordingly.

Mr. JYOTI BASU: With reference to answer (*q*) will the Hon'ble Minister be pleased to state as to how many Bengal Government officers wanted to apply but were prevented by their heads of departments?

The Hon'ble Mr. SHAMSUDDIN AHMED: I ask for notice.

Mr. NIHARENDU DUTT-MAZUMDAR: Will the Hon'ble Minister be pleased to state what are the emoluments attached to the two posts of Managers and the two posts of Assistant Managers for which no Muslim candidates were forthcoming?

The Hon'ble Mr. SHAMSUDDIN AHMED: I ask for notice. But may I explain the position, Sir? There was a Labour Conference held at Delhi, and I am just coming from that conference. The question of these appointments was considered there. We are in an awkward position. The whole thing was done by the Government of India and the Bengal Government was asked to help them in this matter. Neither have we any control nor can we supply our officers. So we asked them to reconsider the matter so that a definite decision may be arrived at very soon. I myself objected to the procedure because personally I did not know what was our position. That is the reason why I raised a strong plea that if the Government of India take it over or if the Government of India take the responsibility of running the whole show, they must take the entire responsibility.

Mr. NIHARENDU DUTT-MAZUMDAR: Will the Hon'ble Minister be pleased to state whether the Bengal Labour Minister alone found himself in an awkward position in the conference or the Labour Ministers of other Provinces also found themselves in that position?

Mr. SPEAKER: That question does not arise.

Mr. BIMAL COMAR GHOSE: In view of the explanation just given, are we to understand that answer (*f*) should not have been what it is because the Bengal Government is not the controlling authority in respect of these appointments?

The Hon'ble Mr. SHAMSUDDIN AHMED: It is clear.

Mr. BIMAL COMAR GHOSE: What is clear, Sir?

Mr. SPEAKER: It is clear from the statement that the Bengal Government has no comment to make in the matter of appointment to these posts.

Mr. BIMAL COMAR GHOSE: Then the question of deputation does not arise.

(Starred Question No. 196 was called.)

Mr. SPEAKER: There is no use pursuing this question on the ground on which similar other questions regarding the August riots in Calcutta were not taken up. So I do not want that this question should be pursued.

Mr. NIHARENDU DUTT-MAZUMDAR: This question I think, Sir, hardly falls under that category. It is a question which has already been answered, and in view of the written answer here the House should at least get an opportunity to pursue it. Starred Question No. 196 should not therefore be passed over and it should be answered by the Hon'ble Minister.

Mr. SPEAKER: As I have already said, on the ground on which similar other questions were put off and supplementaries were not allowed, this question should not be pursued because it also falls under that category.

Mr. NIHARENDU DUTT-MAZUMDAR: I submit, Sir, that that ground hardly applies to this case. The House should get an opportunity to put supplementary questions so that the designs behind this question may be laid bare before the House.

Mr. SPEAKER: The House should agree that for the general welfare of the Province this question should not be further pursued.

Mr. NIHARENDU DUTT-MAZUMDAR: I bow to your ruling, Sir. But in that case the question should not have been printed and placed before the House.

Proposal for time-scale pay for typists and copyists of civil and criminal courts.

***197. Mr. DEWAN LUTFAR RAHMAN:** (*a*) Will the Hon'ble Minister in charge of the Judicial Department be pleased to state whether Government have come to any decision to bring the copyists and typists of civil and criminal courts on permanent establishments with salaries on a time-scale basis?

(*b*) If the answer to (*a*) be in the affirmative, will the Hon'ble Minister be pleased to state—

(*i*) what will be their basic pay; and

(*ii*) from what date the contemplated scheme will be given effect to?

MINISTER in charge of the JUDICIAL DEPARTMENT (the Hon'ble Mr. Nagendra Narayan Roy): (*a*) The proposal is under the consideration of Government.

(*b*) Does not arise.

Mr. SURESH CHANDRA DAS GUPTA : গভর্ণমেন্টের এই পর্যালোচনা কত দিনে শেষ হবে, সে সম্বন্ধে একটা ধারণা (idea) কি তাঁরা দিতে পারেন?

The Hon'ble Mr. NAGENDRA NARAYAN ROY: As soon as possible.

Mr. SURESH CHANDRA DAS GUPTA: এই as soon as possible এত বড় একটা vague term যার underএ অনেক কিছু পড়ে যায়। সুতরাং তিনি অনুগ্রহ করে এই definite questionএর একটা definite answer দিতে পারেন কিনা?

The Hon'ble Mr. NAGENDRA NARAYAN ROY: I want notice.

Mr. NIHARENDU DUTT-MAZUMDAR: Will the Hon'ble Minister be pleased to state the number of typists and copyists in civil and criminal courts involved in respect of this demand?

The Hon'ble Mr. NAGENDRA NARAYAN ROY: I ask for notice.

Mr. BIMAL CHANDRA SINHA: Will the Hon'ble Minister be pleased to state if the consideration of increasing their pay scales has been under the purview of the Pay Commission?

The Hon'ble Mr. NAGENDRA NARAYAN ROY: I do not know the position now.

Mr. NIHARENDU DUTT-MAZUMDAR: In view of the answer that he is not aware of the position, the question may be held over.

Mr. JYOTI BASU: With reference to answer (*a*), will the Hon'ble Minister be pleased to state when the consideration of the Government started? When did the Minister start considering the matter—on what particular date or month?

The Hon'ble Mr. NAGENDRA NARAYAN ROY: I cannot give the exact date offhand.

(Starred Question 198 was called.)

Mr. MUHAMMAD HABIBULLAH CHAUDHURY: Sir, the question may be held over.

Mr. NIHARENDU DUTT-MAZUMDAR: Sir, the time is already over.

Mr. SPEAKER: Questions over.

Point of privilege regarding Questions.

Mr. CANENDRA CHANDRA BHATTACHARJEE: On a point of privilege, Sir. To ask questions is a great privilege of the members but unfortunately Government is not respecting that. I asked a question on 28th June, 1946—I gave notice on that date and from the list I see that that question was sent to the department on 18th July, 1946, but even now Government has not come prepared with the answer. Rule 24 of the Assembly Procedure Rules says clearly that "a member who wishes to ask a question shall give twelve days' notice of his intention and shall, together with the notice, submit a copy of the question he wishes to ask: Provided the Speaker may, with the consent of the Minister in charge of the Department to which the question relates, allow a question to be put at shorter

notice than twelve days". So, it clearly says that the Government is expected to be ready with the answer within 12 days—that is the maximum time.

Mr. SPEAKER: Mr. Bhattacharjee, this point of privilege was raised more than once in this House and I have explained as much as possible that it does not lie within the Chair's competence to compel the Government to come up with an answer within a definite time.

Mr. GANENDRA CHANDRA BHATTACHARJEE: My submission is that this question was also raised in the Upper House.

Mr. SPEAKER: I am not concerned with that.

Mr. GANENDRA CHANDRA BHATTACHARJEE: If you are not concerned with the ruling of the Upper House—of course, they decided the question when you were perhaps a member of that House—the President there ruled that the right of interpellation is certainly a great privilege of the members.

Mr. SPEAKER: I have already said that we are not concerned with what happened in the Upper House, but so far as this House is concerned, it is not only my ruling but my predecessors also held the same view that the Chair has no power to compel the Government to reply either in a particular way or within a particular period.

Mr. GANENDRA CHANDRA BHATTACHARJEE: But, Sir, is it your ruling that if a Minister takes fancy not to answer a question within a whole regime——

Mr. SPEAKER: For that members have got other remedies in their hands.

Mr. GANENDRA CHANDRA BHATTACHARJEE: My submission is that then your ruling should be that no questions should be asked. When a very important question is asked, the Minister may take fancy and he may take shelter under your ruling and he may not answer within 3 or 4 years.

Mr. SPEAKER: We are labouring under that difficulty. Unless the rules are changed and unless power is vested in the Chair to compel the Minister to reply within a particular period, we are helpless. The remedy is to change the rules.

Mr. GANENDRA CHANDRA BHATTACHARJEE: I submit you have got certain powers. From the Chair we members of the Opposition should get some privileges, some shelter and if we are denied that——

Mr. SPEAKER: I do not think Mr. Bhattacharjee is fair in drawing that inference. This question has been mooted before by different members and I do not think that the view which was expressed by me is without support.

Mr. GANENDRA CHANDRA BHATTACHARJEE: My submission is that when the Bengal Assembly Procedure Rules were made, they were made with the concurrence of the Speaker and members of the House. I do not know how you rule that these Procedure Rules should be set aside.

Mr. SPEAKER: What is the rule please?

Mr. GANENDRA CHANDRA BHATTACHARJEE: The rule is clear.

Mr. SPEAKER: I have gone through the rules and with regard to notice the rules are clear. I want powers. There is no person in this world who does not want to exercise his powers if he has got any. I want powers from this House and if it vests powers in the Chair, the Chair will be too glad to exercise them in the general interest of the House. But unfortunately the

Chair finds itself in a very peculiar position, having no power in this matter to compel the Government to give a reply within a particular period. I have read and re-read the rules and tried to find out some power so that I can exercise it in order to help the honourable members, but I could not find anything there.

Mr. CANENDRA CHANDRA BHATTACHARJEE: I do not know why the Chair says that he is so helpless. What is the real meaning of 12 days here?

Mr. SPEAKER: That is for notice. This is the defect in the rules. So I want your help in modifying the rules.

Mr. NIHARENDU DUTT-MAZUMDAR: Sir, I appreciate what you have stated. In view of what you have stated, it will be in the interest of all sections of the House if you would be pleased to move the Privilege Committee over this matter so that a short rule may be introduced before this House and that rule may be passed and adopted so that you might be armed with necessary powers to compel the Hon'ble Ministers concerned to answer questions within reasonable time. In view of what you have stated, there is prescription about the period of notice but there is no prescription of time about answering of questions and if that is the view you take and as you wish if you are armed with power for the welfare of the House, you would exercise that power. In view of that wish that you have expressed I think the Speaker ought to be armed with this power and in view of the expressed wish of the Speaker, I suggest that the Privilege Committee might be moved and you might be able to invite the honourable Leader of the Opposition as well as leaders of other parties to meet you in your chamber so that in course of this week this rule might be adopted by this House. This is a matter of grave urgency. This question is coming up time and again and the absence of such power on your part encourages the Ministers to be lethargic and negligent and even to be comical in the matter of answering questions.

Mr. SPEAKER: I understand you. Unfortunately the procedure for modifying the rules is very rigid and elaborate. Any member is, however, at liberty to come with a proposal and that will be considered in the House.

Mr. NIHARENDU DUTT-MAZUMDAR: It may be expedited and we propose to expedite this matter with your help.

Mr. SPEAKER: I will accept notice from any member for amendment of the rules.

Mr. NIHARENDU DUTT-MAZUMDAR: In view of the importance and urgency of this particular point and in view of your expressed wish that the Speaker ought to be armed with this power, may not the leaders be summoned by you to meet you in your chamber so that this matter may be remedied and by agreement between the parties a rule may be adopted in the course of a week or so?

Mr. SPEAKER: I do not think that will be proper on the part of the Speaker but the Speaker will be very glad if the leaders of different parties meet me in my chamber.

Mr. NIHARENDU DUTT-MAZUMDAR: We hope that the Leader of the House will respect the express wish of the Speaker.

Mr. SPEAKER: I have already expressed my views, and it is up to the different parties to respect them or not.

The Hon'ble Mr. FAZLUR RAHMAN: An impression has been created by this discussion here that Government does not reply to the questions within reasonable time. That is not correct.

Mr. NIHARENDU DUTT-MAZUMDAR: It is correct.

The Hon'ble Mr. FAZLUR RAHMAN: If any honourable member expects that a question information about which is required to be gathered from the district officials can be answered within 12 days, then I think, Sir, that is not the reasonable attitude that can be taken up by any member of this House.

Mr. NIHARENDU DUTT-MAZUMDAR: What is the reasonable period?

The Hon'ble Mr. FAZLUR RAHMAN: With regard to different questions the reasonable period will differ. There may be questions which can be answered in two days' time. There may be questions which cannot be answered even in a year. Sir, even the number of questions that are being answered every day by Government cannot always be taken up. Many of the questions are being held over, because one hour's time is not sufficient to deal with all the questions which are being answered every day by Government, and every day we find that some questions remain unfinished. Therefore it is not correct to say that Government is not expediting or Government is not supplying answers to a sufficient number of questions to be taken up within one hour in the Assembly. Not a single day passes when the Assembly remains without work during question hour.

With regard to the question of rules I think the present rule is working very satisfactorily. It is only the Opposition's tactics to bring every time to the notice of the House that the Government is at fault. Therefore the procedure suggested by my friends is unwarranted and uncalled for.

Dr. SURESH CHANDRA BANERJEE: With reference to the statement made by the Hon'ble Minister I beg to state that many questions which were put by me during the last session have not been answered whereas other questions put in this session have been answered. The statement that time for answering the question limited to only one hour is insufficient is not satisfactory. There are other factors behind the scene and Government does not actually answer many questions. As a matter of fact, questions put 7 or 8 years back have not yet been answered, whereas questions put last session have been answered.

Dr. PROTAP CHANDRA GUHA ROY: I submit that questions put in the month of July last have not yet been answered and what the Minister-in-charge Mr. Fazlur Rahman says is not correct.

Mr. SHARFUDDIN AHMAD: The honourable member is misleading the House.

Mr. SPEAKER: Order, please. I think both sides are correct. Mr. Bhattacharjee's position was that the questions have not been replied within a reasonable time. That is also correct. Mr. Fazlur Rahman's position is that replies which are already ready cannot be taken up and finished within the limited time of one hour. Every day we find questions to be answered are in arrear. So Government cannot be accused that they are not utilising the one hour's time fully with questions. I do not think any further discussion is necessary.

Mr. SIBNATH BANERJEE: Sir, more time is taken to put supplementary questions because answers given by the Hon'ble Ministers are imperfect, partial and evasive. Very little time will be necessary for supplementaries if questions are answered correctly.

Mr. SPEAKER: I won't allow any more discussion.

Point of Privilege regarding Adjournment Motion.

Mr. BIMAL COMAR CHOSE: On a point of privilege, Sir. My point of privilege refers to the right of honourable members in respect of the matter for the moving of adjournment motion, and it is a very important right of honourable members. Certain things require clarification by you and call for your guidance. Now, the point arose out of the adjournment motion which was moved by my friend Mr. Sinha yesterday and of which consent was first given and was later on withdrawn by you. If I understood your decision yesterday correctly, the reason why you withdrew your consent was that there was a similar motion which you considered to be more precise and not that Mr. Sinha's motion was technically invalid, and offended any of the provisions governing the admissibility of adjournment motions. I have to submit two things. First in respect of the presentation of adjournment motion, particularly as there was some confusion which was aggravated intentionally by the Hon'ble Minister as to the form in which the adjournment motion should be presented before the House. I looked into the proceedings of the last Assembly and I find that the procedure has been this that when the Speaker has given his consent to an adjournment motion, the adjournment motion is read by the member. Then the Speaker reads the statement. Thereafter, the Speaker asks the House whether there is any objection to the adjournment motion being taken up. If that procedure is adopted, then there is no question as to whether the statement forms or does not form a part of the adjournment motion. It does form a part of the adjournment motion If you refer to rule 100 of the Assembly Procedure Rules, you will see that there the position is also made clear; because it states that if the Speaker is of opinion that the matter proposed to be discussed is in order——

Mr. SPEAKER: That question was raised yesterday and this rule was referred to.

Mr. BIMAL COMAR CHOSE: I am not trying to be frivolous at all. Let me finish in two or three minutes. As I was saying if it is in order, the Speaker shall read the statement to the Assembly and ask whether the member has the leave of the Assembly I submit, Sir, that the way in which the adjournment motions are being presented to this House is irregular In no case are the statements being read, but under the rules it is incumbent upon the Speaker to read the statement. Whatever adjournment motions have been admitted in this House we have not had the statements read by the Speaker, though it is enjoined by the rules that the Speaker must read the statement, and thereby a lacuna has crept in the procedure under which adjournment motions have been accepted by this House. Take yesterday's case. The statement was not read, and therefore I submit it did not conform to the rules as prescribed in the Assembly Procedure Rules. Now, Sir, the second point that I want to submit is in respect of the subject-matter of the adjournment motion. Sir, it seems that there was some confusion as to what is a specific matter. Now a specific matter is, I submit, not in respect of any specific question of fact but a specific matter of policy and I would like to substantiate this contention by referring to certain cases.

Mr. SPEAKER: Is it not the same thing? I do not think you should waste the time of the House in this way.

Mr. BIMAL COMAR CHOSE: It is a very important matter, (Cries of "No, no" from the Treasury Benches) and I shall make——

Mr. SPEAKER: If you go on like this, then there will be no finality of any matter.

Mr. BIMAL COMAR CHOSE: Some new matter has cropped up.

Mr. SPEAKER: I think this question was raised yesterday.

Mr. NIHARENDU DUTT-MAZUMDAR: I want to make one submission, Sir.

Mr. SPEAKER: Mr. Dutt-Mazumdar, you should know that another member is in possession of the House. I cannot allow two members to speak at the same time.

Mr. BIMAL COMAR GHOSE: Sir, this point was not raised yesterday.

Mr. SPEAKER: You may speak on any future occasion when adjournment motion is moved.

Mr. BIMAL COMAR GHOSE: In view of the decision it is crystal clear that consent was not withdrawn.

Mr. SPEAKER: I think Mr. Sinha raised this question.

Mr. BIMAL COMAR GHOSE: I would read a resolution——. (Loud noise.)

Mr. SPEAKER: I am not prepared, Mr. Ghose, to allow you any more time.

Mr. BIMAL COMAR GHOSE: The Hon'ble Mr. Suhrawardy said——

Mr. SPEAKER: Order, order. I do not think I should allow any time to be devoted to this matter. It was taken up yesterday. The Chair had the privilege of hearing many members of both sides of the House on this point and after that the Chair gave a ruling. Whether that ruling was right or wrong, whether that ruling was acceptable to some members or not that is a different matter. The fact remains that there was a ruling of the Chair. If any honourable member has got any further submission to make I shall be only too glad to see him in my chamber and profit by his advice.

Mr. BIMAL COMAR GHOSE: My submission is this and I am seeking your guidance. I would not refer to your yesterday's ruling. (Loud uproar.)

Dr. A. M. MALIK: The Chair gave a ruling and the matter ended there.

Mr. BIMAL COMAR GHOSE: Sir, I am not challenging your ruling nor am I re-opening your decision. I am only asking your advice for future guidance.

Mr. SPEAKER: Yes, I have invited you to see me in my chamber and we shall discuss the matter.

Mr. BIMAL COMAR GHOSE: I want the House also to know the question. The question should be raised in the House.

Mr. SPEAKER: I am not precluding any member from raising this question at the proper time.

Mr. BIMAL COMAR GHOSE: What is the proper time. Sir.

Mr. SPEAKER: The proper time will be when the adjournment motion comes up before the House in future.

Mr. NIHARENDU DUTT-MAZUMDAR: It is the question of privilege, Sir.

Mr. HARIPADA CHATTERJEE: Let it be decided here. We also want to take part. We all cannot go to the chamber.

Mr. DHIRENDRA NATH DATTA: I would request that he may be allowed to finish his statement.

Mr. SPEAKER: Mr. Ghose wanted two minutes; I gave him 4 minutes.

Mr. BIMAL COMAR GHOSE: I would have finished by now but for the interruptions.

Mr. SPEAKER: I know you can speak for hours.

Mr. BIMAL COMAR GHOSE: Do you, Sir, think that I did not raise any valid point or any question which is not of sufficient importance? Have I on any occasion taken your time unnecessarily?

Mr. HAMIDUDDIN AHMED: He is merely wasting the time of the House.

Mr. NIHARENDU DUTT-MAZUMDAR: They are wasting public funds. (Loud noise.)

Mr. SPEAKER: Order, order. If there is anything to be said about the ruling it would be profitable for me to discuss the matter in my chamber. If necessary I might change the ruling; there is no harm.

Mr. BIMAL COMAR GHOSE: The only reason why I came up before the House is, firstly, that it is an important matter of privilege and secondly, honourable members should also know the position. Even veteran member like the Hon'ble the Finance Minister was misleading the House yesterday.

The Hon'ble Mr. MOHAMMED ALI: Did I? (Interruptions.)

Mr. BIMAL COMAR GHOSE: That is why we want that whenever the Finance Minister makes a statement it must be based on facts. (Noise.) Sir, the point the Hon'ble Mr. Suhrawardy raised in respect of an adjournment motion moved in this House by Dr. Nalinaksha Sanyal in 1944 makes the position clear. He said "I would like to say that I find the greatest amount of difficulty in answering a resolution of this type when the maladministration which is referred to has not been specifically defined. Also, Sir, I would say that it is not a matter of recent occurrence." Mr. Speaker ruled "that the matter is of vital importance to the community is undeniable. In my opinion it is also urgent and I think it is of sufficiently recent occurrence and also of a sufficiently definite nature. I do not think there is anything which can make this motion out of order and therefore I allow it". There is also another important matter. Whenever an adjournment motion is moved it has to be put to the vote of the House. If the adjournment motion is not of a general nature but includes instances of fact how can you put it to the vote of the House to decide the question of fact? The motion, therefore, must be couched in general terms because the House cannot decide on the question of fact. That has to be decided by a court of law. Therefore it has to be in the form of a general statement and the statement that is attached to it mentions instances. Even if the facts are incorrect as was urged in the case of an adjournment motion moved by Mr. Atul Chandra Sen in 1944, what the Hon'ble Speaker is entitled to ask of the honourable member is to make out a *prima facie* case. If the facts are not correct it is for the Government to say so but it will not invalidate the adjournment motion. These are, Sir, my points. I shall not take up the time of the House by further elaborating my point and unnecessarily pointing out other things which are also of some importance. But this, I submit, is too serious a matter which requires your consideration. In that respect the motion of Mr. Bimal Chandra Sinha was better than mine although both the motions are of the same nature. My motion is not one relating to 100, Harrision Road incident only. These are but illustrative instances of the general motion that excesses are being committed by the Police. If the House decides that such atrocities did take place at 100,

Harrison Road, that will not establish that such atrocities did occur and if the House negatives the motion that would not mean that atrocities did not take place.

Mr. SPEAKER: Thank you, we shall discuss this matter in my chamber.

Mr. BIMAL COMAR CHOSE: I hope, Sir, I have not wasted your time or the time of the House.

GOVERNMENT BILLS.

The Bengal Non-Agricultural Tenancy (Temporary Provisions) Extending Bill, 1947.

Mr. BIMAL CHANDRA SINHA: Sir, when the House adjourned yesterday I was trying to impress upon the House that even if a machinery is good, it all depends on the person using that machinery whether that machinery will be really benefiting the people or not. I was trying to say that this piece of legislation which is under the consideration of this House may be a good piece of legislation by itself, but it all depends on the administration that is responsible for carrying out that piece of legislation whether that piece of legislation will be of any benefit to the people or not.

Now, Sir, I tried to impress on the House that so far as this administration is concerned, this administration is not imbued with the proper spirit for benefiting the people of this Province. That was the first point.

Now, in resuming my observations on the third reading of the Bill, I turn to the second part of my observations and I would like to concentrate my criticism on the merits or otherwise of the measure under consideration. Now, Sir, what is the nature of this measure? This measure seeks to extend the life of the Non-Agricultural Tenancy (Temporary Provisions) Act for a further period of time, and I would like to say that this is not the proper method to deal with the grievances of the non-agricultural tenants. After all, I ask the question—why do you legislate in this fashion? What is the object behind the enactment of such a legislation? So far as I have been able to judge, there are two or three objects which are usually behind such an enactment. The first object is ostensibly to remove the grievances of the non-agricultural tenants and to give them better status and better security. That is the object and immediate object, but that is not the only object. In such a piece of legislation you must go further and deeper, and the clear object behind such a piece of legislation must be and should be that it should take into consideration not only the immediate grievances of the non-agricultural tenants but it must also take into consideration the whole socio-economic gestalt of the Province and the socio-economic complex that you have to develop. In other words, it fundamentally involves the socio-economic policy and the socio-economic directive. That should be the new task of the future Government. It should also take into consideration that such a piece of legislation involves development of all kinds and then it must also take into consideration what would be the relation between the relative importance of urbanisation and ruralisation, and urbanisation and industrialisation; what would be the relative emphasis placed on towns and on industry as also on agriculture and the rural country-side. If you do not co-ordinate all these factors together you shall have a lop-sided development as was expressed in the classical expression used by one of the leading politicians of India, you would have a flushed face but an emaciated body without any blood. In that case there might be a very few big towns but the exodus of the people from the villages would result in the absolute desolation in the country-side. That is the broader aspect which should always be kept in mind while enacting such a piece of legislation. If that be so, I would like to point out what is the actual condition of the non-agricultural tenants and in what background we are going to enact this piece of legislation. As I said, the Muslim League

comes forward with the measure on the ostensible plea that it is designed to benefit the non-agricultural tenants. I would make no comments, but I would only like to present here a few facts to the Ministry and show that during their stewardship of Bengal the position of non-agricultural tenant is fast deteriorating.

I say, Sir, that there has been going on a steady and gradual pauperisation of non-agricultural classes for the last few years. If you look to the Census figures on a long term basis, you will find that in the year 1901 industry was the occupation of 7·5 per cent. of the total population. In 1911 that figure of 7·5 came down to 7 per cent. In 1921 it was 7·6 per cent. and in 1931 when there was a different basis of enumeration of the figures of the actual workers and working dependants and subsidiary earners, the percentage of actual workers to the total population was nothing more than 2·5 per cent. Imagine the condition, Sir.

Now, look at the percentage of population engaged in transport. The figures in 1901, 1911, 1921 and 1931 are 1·7, 2·1, 1·6 and 0·5, respectively. Look at the figures for the occupation group trade, for those years: these are 5·5, 5, 5·1 and 1·84 per cent. The figures for professional and liberal arts for those years are 1·9, 1·7, 1·6 and 0·55 per cent. respectively. I would have quoted the figures for 1941 but unfortunately for me but for the Ministry the Bengal Government have decided that the occupational figures would not be produced in 1941 Census, and as the figures are not available I am unable to produce the figures for 1941.

Sir, that is the long term position. It might be argued from the other side that after all the Muslim League was not responsible for what was happening in 1931. I would therefore like to refer to certain recent figures and show that the classes which comprise——.

(At this stage the blue light was lit.)

Sir, is there any statutory limitation of time? I doubt that there can be any statutory limitation. I will show precedents——.

Mr. SPEAKER: I would refer you to sub-rule (4) of rule 41.

Mr. BIMAL CHANDRA SINHA: That relates to a motion, but it is a Bill. Bills come under a category quite distinct from the category of motions.

Mr. SPEAKER: But the Bill is also a motion. So it comes under that category.

Mr. BIMAL CHANDRA SINHA: If that be so, I must have the right of reply.

The Hon'ble Mr. MOHAMMED ALI: It is not your motion. You are speaking on Mr. Fazlur Rahman's motion.

Mr. SPEAKER: When a thing comes before the House it must be either a question, or a point of privilege, or a motion.

Mr. BIMAL CHANDRA SINHA: Sir, so far as the rules are concerned, it is coming as a motion. But when it comes in relation to Bills, the rules regarding time-limit do not apply.

Mr. SPEAKER: But Bills are introduced in this House by way of motions.

Mr. BIMAL CHANDRA SINHA: Will he then have the right of reply today?

Mr. SPEAKER: Yes.

Mr. BIMAL CHANDRA SINHA: Anyway, I shall make the best of it, and I hope you will give me a few minutes more.

Mr. DHIRENDRA NATH DATTA: Sir, in Part IV it deals with motions, but we have got a separate chapter in Part V which deals with legislation.

Mr. SPEAKER: Mr. Datta, will you please refer to rule 35? Sub-rule (*1*) of this rule says that "a matter requiring the decision of the Assembly is brought forward by means of a question put by the Speaker on a motion proposed by the Speaker himself or by any other member". So this is a motion though it is a Bill.

Mr. DHIRENDRA NATH DATTA: But Part V deals with Legislation exclusively, and in that Part V there is no time-limit imposed.

Mr. SPEAKER: But there is no mention about speech in those rules. Under Part V nobody has a right to speak.

Mr. NIHARENDU DUTT-MAZUMDAR: But there is a mention about discussion in Chapter V regarding legislation.

Mr. SPEAKER: But there is no mention that a member has the right to speak.

Mr. HARIPADA CHATTERJEE: But there has been the practice, Sir, that we have spoken for hours and hours together on Bills.

Mr. DHIRENDRA NATH DATTA: Mr. Speaker, may I draw your attention to one point? Part IV deals with motions, Part V deals with legislation, Part VI deals with resolutions. If you refer to rule 92 you will find "The Speaker may, if he thinks fit, allot a maximum limit of time which shall be available for the discussion of any resolution of a private member on any day allotted for the discussion of such resolutions".

Mr. SPEAKER: That is about a resolution. A resolution is covered by a motion. For that particular kind of motion, viz., resolution, there is a specific provision.

Mr. DHIRENDRA NATH DATTA: In the matter of resolution it has been mentioned in rule 92 that the Speaker may impose a time-limit, if it is covered and controlled by Part IV of the Procedure Rules. There is no necessity of imposing a time-limit so far as Part VI is concerned. If you read the rules together, Part IV deals with motions, Part V deals with legislation and Part VI deals with resolutions and in each and every part there is a time-limit imposed, but, Sir, so far as legislation is concerned there is no time-limit. In the matter of legislation there cannot be a time-limit and I do not know if you will follow the procedure of the Central Legislative Assembly but so far as this Legislative Assembly is concerned, in the matter of legislation no time-limit is imposed and we will be allowed to speak for more than 15 minutes.

Mr. HARIPADA CHATTERJEE: From past practice we can definitely tell you that it was not observed for legislation.

Mr. BIMAL CHANDRA SINHA: We were not prepared for this point of order. If you permit more time I can give you large number of instances where there are definite precedents——

Mr. SPEAKER: Might be with the permission of the Speaker.

Mr. BIMAL CHANDRA SINHA: The best course would be not to arrive at any definite conclusion today and give us an opportunity to give precedents. Pending that permit me to continue so far as this thing is concerned.

Then, Sir, what I was telling was that since 1941 according to the Sample Survey——.

The Hon'ble Mr. MOHAMMED ALI: Have you allowed extra time, Sir?

Mr. BIMAL CHANDRA SINHA: My time has been taken away by the point of order. I was not prepared for the time-limit. I would like more time.

Mr. SPEAKER: You will speak for two minutes more.

Mr. BIMAL CHANDRA SINHA: From the Sample Survey of the After-effects of the Bengal Famine conducted by Professor Mahalanabis you will find that of those classes which comprise non-agricultural tenants about 204 per cent. became destitutes and suffered economic deterioration during famine and and after those years. If that be the position, the proper remedy must be more fundamental than what appears to be. What is the provision of the measure that we are considering today? This measure only stops certain suits and proceedings and sets a bar to certain thing but it does not confer any right on the raiyats and the under-raiyats so far as non-agricultural tenants are concerned, does not define their status, does not confer on them any rights which we want the Government to confer to them in the interest of the people.

Then, Sir, what is more objectionable is that there is no conception of a broad social policy behind this piece of legislation. The Government should understand that the country is progressing, in the words of the German philosopher Tonnies Unless you realise that it would not be possible for you to enact a piece of legislation that will conform to the broad picture of agricultural and industrial development of the Province as a whole.

As the time at my disposal is short I am debarred from going into the different aspects of the matter but I would only like to issue this warning. In the modern complex society unless you co-ordinate urbanisation and industrialisation you will land yourself in disaster. You will only bring people from the villages but you will not be able to give them any employment and the towns instead of being good towns and beautiful towns will be only a conglomeration of destitutes seeking their employment and loitering in the streets. That is the broader question behind this piece of legislation which should be taken into account. You know, Sir, once you bring the village folk by offering them better status, better privilege, you cannot make them go back to the villages. I may quote one sentence from the German philosopher Spengler, that the townsfolk would sooner die on the pavement than go back to the land. Before you begin to confer better status to the town people and before you try to remedy the grievances of the non-agricultural tenants Government must, if they are sincere in their profession, take into account these broader facts.

In conclusion I would like to say that this is not possible so long as the Ministry is imbued with the spirit to which I made a reference yesterday. I am not, Sir, an expert in history as also in finance as the Hon'ble Finance Minister presumably claims himself to be, but if, as he said, it is after all a change of masters for the Hindus and if this Ministry is working in that spirit, I would like to conclude my observation with the saying that the Ministry might be thinking like that in their false reading of history but the true reading of history is that the Muslim Empire was wrested by the British not from the feeble hands of the Emperor of Delhi but from the strong hands of the Marhattas and the Sikhs and that was possible because there was a conspiracy between Mirjafar and Clive. That conspiracy still exists with the British in this House helping to maintain the Ministry in power.

Mr. DHIRENDRA NATH DATTA: Mr. Speaker, I want to say a few words on this motion. First of all I want to say that the Bill is being extended for the last eight years but it has not been enacted into a permanent statute. This year this Bill was referred to a Select Committee—the Non-Agricultural Tenancy Bill. I wish it was passed this year so that there will be no necessity of further extending the Bill. In the permanent Bill the district of Howrah has been omitted. I do not see any necessity of omitting the district of Howrah. By the Non-Agricultural Tenancy Extending Bill Howrah was enjoying the benefit so long but Howrah is shortly going to be deprived of the benefit. My submission to you and to the House is that I want to see that Howrah is not deprived of the benefit. It has been contended that we were complaining that Calcutta has been deprived of the benefit so long. They say that Calcutta stands on a different footing because that is a different circumstance. But so far as Howrah is concerned it should be included in the operation of the Bill. I understand another Bill will shortly be introduced so far as the poor people of Calcutta are concerned, though I do not know when it will be introduced. But, Sir, there is great necessity for such a legislation for the *bustee* dwellers and for the poor people of Calcutta: that will be just like a Non-Agricultural Tenancy Bill. Leaving aside that the operation of the present Bill should be extended not only to the rural areas, but the operation should be extended to the city of Calcutta. The poor people of Calcutta should not be deprived of the benefit of the Bill. But, Sir, in the present Bill not only the city of Calcutta has been deprived but the town dwellers of Howrah town have been deprived of the benefit of this Bill. I make this submission to you, Sir, and to the members of the House that the town dwellers of Howrah should not be deprived. The provisions of this Bill should be extended at least to the town limits of Howrah, and a Bill of a similar nature should be brought to give relief to the poor people of Calcutta.

With these words, Sir, I resume my seat.

Mr. HARIPADA CHATTERJEE: মাননীয় সভাপতি মহোদয়, এই মন্ত্রিমন্ডলী এই সময় বাংলাদেশে যে রকম শাসন পদ্ধতি চালাচ্ছেন, তারপর তাঁদের এই বিল আমদানীর যে রকম হিড়িক, তাতে তাঁদের হাতে কোন রকম ক্ষমতা দেওয়া, সমস্ত বাঙ্গালীর পক্ষ থেকে আমি ঘোরতর অন্যায় বলে মনে করি। তাঁরা যাঁরা দেশে আইন ও শৃঙ্খলা রক্ষা করতে পারছেন না, সেই সাম্প্রদায়িক দোষদুষ্ট মন্ত্রিমন্ডলী, তাঁদের যা ইচ্ছা তাই করে যাচ্ছেন, তাঁরা সমস্ত মুসলমান এবং হিন্দু জনসাধারণের দুঃখের কারণ হয়েছেন। আজ সমস্ত কলকাতা এমনভাবে উপদ্রুত যে কোন শান্তিপ্রিয় নাগরিক, সে যে কোন সম্প্রদায়েরই হোক না কেন, আজকে তার কোন রকমেও জীবন যাপন করবার কোন ক্ষমতাই নাই। এই অপদার্থ মন্ত্রিমন্ডলী এখানে এসে আজ নূতন আইন প্রণয়ন করছেন, এটা একটা হাস্যকর ব্যাপার ছাড়া আর কিছু নয়। (A VOICE: Unlike Bihar or Bombay!) এরা কেবল unlike Bihar আর unlike Bombay শিখেছে। সমস্ত পৃথিবী খুঁজুন পৃথিবীর কোথাও পাবেন না, সাম্প্রদায়িক দোষদুষ্ট বাংলার মন্ত্রিমন্ডলীর মত এই রকম আর একটা দল। নিজেদের ব্যক্তিগত স্বার্থের জন্য এরা এখানে বসে থেকে সমস্ত দেশটা ছারখার করবার চেষ্টা করছেন। পৃথিবীর আর কোথাও এর আর একটা জুড়ি পাওয়া যায় না। (A VOICE: কেন বিহার?)

মাননীয় সভাপতি মহোদয়, এরা কেবল বিহার, বিহার আর বিহার বুলি শিখেছে। অন্যকে কেন? আসুন না, সৎ দৃষ্টান্ত আমরা হিন্দু-মুসলমানে মিলে দেখাই। বিহার যদি * * * * * তবে আপনারাও * * * * * নাকি?

Mr. NIHARENDU DUTTA MAZUMDAR: নিন, এইবার হজম করুন। (Laughter and noise.)

Mr. SHARFUDDIN AHMAD: On a point of order, Sir. It is unparliamentary, Sir.

Mr. SPEAKER: The portions will be expungad.

Mr. HARIPADA CHATTERJEE: অবশ্য বাংলায় যে এই ধরণের একটা কথা আছে, আপনারা সবাই তা জানেন। আচ্ছা, আমি বলছি, বিহার যদি পা উঁচু করে মাথা নীচু করে হাঁটে, তাহলে আমাদেরও কি তাই করতে হবে নাকি?

Mr. SPEAKER: Please confine your speech to the point.

Mr. HARIPADA CHATTERJEE: আমার বক্তব্য এই যে যদি এই অপদার্থ মন্ত্রিমন্ডলী এখান থেকে বিতাড়িত না হয়, তাহলে আমাদের বাংলাদেশের সর্বনাশ উপস্থিত হবে। আজ সকলে মিলে, হিন্দু মুসলমান শান্তিপ্রিয় যে যেখানে আছে সকলে মিলে চেষ্টা করা উচিৎ এই অপদার্থ মন্ত্রিমন্ডলীকে কি করে ওখান থেকে সরান যায়। ঘরের চালায় যখন আগুন লাগে, তখন মানুষে বাইরে বসে খেলা করতে পারে না। ঠিক তেমনি আজকে এঁরা যে প্রহসন করছেন আইন করে, যে এঁরা জনসাধারণের উপকার করবেন। এই সব বাজে কাজে কেউ কোন রকম প্রশ্রয় এদের দিতে পারে না। এটা আজকে এদের ভাল রকমে বুঝিয়ে দিতে চাই যে আজ বাংলাদেশকে তোমরা ছারেখারে দিচ্ছ। সুতরাং তোমাদের হাতে কোন ক্ষমতা দেওয়া হবে না। লণ্ঠনের মধ্যে যদি আগুন থাকে, তাহলে সে আগুনে উপকার করে। কিন্তু ঘরের চালায় আগুন লাগলে সে আগুনে উপকার করতে পারে না।

Mr. SPEAKER: Mr Chatterjee, please come to the Bill. Not a single word has been uttered by you regarding the Bill.

Mr. HARIPADA CHATTERJEE: হ্যাঁ, আমি বিল সম্বন্ধেই বলছি। এই Non-Agricultural Tenancy Bill ভাল হোক মন্দ হোক কিন্তু তাতে হাওড়াকে included করা হয় নাই। এটা বাস্তবিকই অন্যায়। যেটুকু ভাল হয়েছে এতে, সেটুকুও এদের হাতে দেওয়া উচিৎ নয়।

সভাপতি মহাশয়, আগুন লণ্ঠনের মধ্যে থাকলে উপকার হয়। কিন্তু সে আগুন ঘরের চালায় থাকলে মানুষের সর্বনাশ করে। তাই আমি বলছি এই অপদার্থ মন্ত্রিমন্ডলীকে কোন রকম ক্ষমতা দেওয়া উচিৎ নয়। এদের যত শীঘ্র সরান যায়, ততই দেশের মঙ্গল। তারই জন্য একমাত্র কাজ করা উচিৎ।

Mr. SPEAKER: Please come to the point.

Mr. HARIPADA CHATTERJEE: আমি general ভাবে এই কথা বলছি যে এই বিলে হাওড়াকে include না করে মস্ত বড় অন্যায় করা হয়েছে। তারপর এই বিলে যে ক্ষমতা দেওয়া হয়েছে, তাতে এঁরা তার অপব্যবহার করতে পারবেন। কারণ এঁরা সাম্প্রদায়িক মন্ত্রিমন্ডলী।

The Hon'ble Mr. MOHAMMED ALI: On a point of order, Sir. Apart from the fact that he is not relevant, he is deliberately misleading the House. He is saying that Howrah is not included in the Bill, but Howrah is included.

Mr. HARIPADA CHATTERJEE: যেভাবে হোক এই মন্ত্রিমন্ডলীর হাতে কোন রকম ক্ষমতা দেওয়া উচিৎ নয়। Mr. Md. Ali mislead করার expert. এই হাউসের একজন veteran member হয়ে উনি কালকে কেমনভাবে এই হাউসকে mislead করেছেন তা আমরা সবাই জানি। গতকাল Adjournment motion এর সময় বহু মিথ্যা ভাঁওতা উনি দিয়েছেন। উনি কি জানেন না যে তাঁরা কি অপদার্থ, তাঁরা আইন ও শৃঙ্খলা রক্ষা করতে পারছেন না, বাংলার সব কিছু নষ্ট করা হচ্ছে? আবার আইন করার হিড়িক!

Mr. SPEAKER: Mr. Chatterjee, you should strick to the points under discussion.

Mr. HARIPADA CHATTERJEE: Sir, এদের opposition না করলে এরা ভাল বুঝতে পারে না। তাই এদের নানাভাবে ঘুরিয়ে ফিরিয়ে বোঝান দরকার। এঁরা সোজাসুজি সাধারণ কথা বোঝেন না বলে সময় নষ্ট করেন হাউসের। আজকে বাস্তবিক বাংলার চরম দুর্ভাগ্য যে এঁরা আবার এই সমস্ত আইন নিয়ে আসেন হাউসে। এঁদের আইন আনার কথায় মনে হয়, কোন বাঁদরের হাতে খোস্তা

দেওয়া। একখানা খোন্তায় উপকার আছে। কিন্তু বাঁদরের হাতে খোন্তা দিলে আপনাদের সর্বনাশ করতে পারে। (A VOICE: বাঁদর আপনাদের স্বজাতি।) যেমন আমি একটা উদাহরণ দিচ্ছি—ধরুন, আজকে এদের হাতে একটা ক্ষমতা দিলাম যে এরা ইচ্ছা করলে ....

Mr. MUDASSIR HOSSAIN: On a point of order, Sir. He is saying nonsense. He is not relevant.

Mr. SPEAKER: Order, order. Please sit down. Mr. Chatterjee, please confine yourself to the provisions of the Bill.

Mr. KAMAL KRISHNA ROY: Mr. Speaker, Sir, আজকে আইন..... .....

Mr. HARIPADA CHATTERJEE: Sir, আমার এখনও শেষ হয় নাই। এই রকম গোলমালে আপনি যদি রক্ষা না করেন, তাহ'লে কথা বলি কি করে? আমি বলছি ....

Mr. SPEAKER: You must be relevant.

Mr. HARIPADA CHATTERJEE: বলবো কি? বাংলাদেশে সবচেয়ে relevant জিনিষ হচ্ছে এই বর্তমান মন্ত্রিমন্ডলীকে তাড়ান। Sir, বাংলাদেশকে এরা জ্বালিয়ে পুড়িয়ে খেল। যে সমস্ত ঘটনা দেখছি—একের পর এক চালের দর এত চড়ে গেছে যে তা আর বলবার কথা নয়। আজ লোকে না খেয়ে মরে যাচ্ছে। আইন শৃঙ্খলা সহরে গ্রামে কোথাও নাই। আর এঁরা আইন করার প্রহসন করে দেশের অর্থ ও সময়ের অপব্যবহার করছেন।

Mr. SPEAKER: Mr. Chatterjee, your time is up.

Mr. HARIPADA CHATTERJEE: আমি আপনার কথা শুনলাম Sir. ওদের একটু চুপ করতে বলুন। আপনার আদেশ শিরোধার্য করে বসলাম। আমার আরও অনেক কথা বলার ছিল। কিন্তু যাক সে লোভ সংবরণ করি এবং আপনার আদেশ মানার সং দৃষ্টান্ত এদের দেখাই। (Laughter.)

Mr. KAMAL KRISHNA ROY: মাননীয় স্পীকার মহোদয়, আলোচ্য বিল সম্বন্ধে কিছু বলতে গেলে প্রথমেই মনে হয় এটি কোন গাছের ফল, কাজেই যে মন্ত্রিসভা এই বিল নিয়ে এসেছেন তাঁদের আভ্যন্তরিক পরিচয়টার প্রয়োজন হয়ে পড়ে। গত দশ বছরের লীগ শাসনে বাংলার যে একটা বৈশিষ্ট্য ফুটে উঠেছে তার backgroundটা বিচার করতে হবে। একদিন এই বাংলার বৈশিষ্ট্যের—বাংলার নিজস্ব সত্তার পরিচয় দিয়ে কবি সত্যেন্দ্র নাথ দত্ত তাঁর সুবিখ্যাত

"সে আমাদের বাংলাদেশ,
আমাদের এই বাংলারে"।।

এই গানটি রচনা করেছিলেন। লীগ-শাসিত বর্তমান বাংলার পরিচয় দিতে হলে, কবি সত্যেন্দ্র নাথের অনুসরণে এবং অনুকরণে বলতে হয়—

কোন দেশেতে মন্ত্রিসভা
সদাই রহি বিল্ল-গর্ভা
আসন্নপ্রসবা হয়ে, পরিষদে আসেরে
সে আমাদের বাংলাদেশ,
আমাদের এই বাংলারে।
ঠোকার মারি মন্ত্রিমাথে
পাকিস্থানী পোকায় কোথায়,
মকামুখী মনের মাঝে
সর্বনাশা বুদ্ধি যোগায়
ঘাটতি ঘানির ঘুর্ণিচাকে
বাজেট কোথায় ঘোরে রে—
সে আমাদের বাংলাদেশ
আমাদের এই বাংলারে।।

তহবিলের গরমিলেতে
গোঁজামিলের গলদ কোথায়,
শিথিল করা শাসন বিধির,
পিছিল পথে পার পেয়ে যায়,
ভোটের জোরে দিন দুপুরে
রাহাজানি চলেরে,
সে আমাদের বাংলাদেশ,
আমাদেরই বাংলারে।
দশ টাকাতে কেনা চাউল,
দ্বিগুণ দরে বেচার পরে,
ক্ষতির খাতেই কয়েক কোটি,
কোথায় এমন হিসেব ধরে,
মাইনে বাড়ে বছর বছর
চাকরী বজায় থাকেরে,
সে আমাদের বাংলাদেশ
আমাদের এই বাংলারে।।
কোটী কোটী টাকার বরাত
বাজেট খাতার পাতায় থাকে,
তবু কোথায় অনাহারে
মানুষ মরে লাখে লাখে,
একশো রকম ট্যাক্স্ দিতে
ভিটেয় ঘুঘু চরেরে,
সে আমাদের বাংলাদেশ
আমাদের এই বাংলারে।।
(Hear, hear.)
ভারত ছাড়া স্বাধীন হব
মুখে করি আড়ম্বরী,
খবরদারী করতে কোথায়
আনতে হয়রে পেশোয়ারী,
লড়কে লেঙ্গের লঙ্গরখানা
গোবী সেনের টাকায়রে,
সে আমাদের বাংলাদেশ
আমাদের এই বাংলারে।।
হবুর দেখা স্বপন মাঝে
কোথায় গভীর অর্থ খুঁজি,
গবু আছে গবেষণায়
নাকে কানে দুলো গুঁজি
ছিদ্রপথে বুদ্ধি যাতে
বেরিয়ে না যায়রে,
সে আমাদের বাংলাদেশ
আমাদের এই বাংলারে।।
(Hear, hear.)

Mr. SPEAKER: Mr. Roy, this is not a place for recitation. You may ote a few couplets but not go on taking the entire time of the House in :iting verses. I cannot allow this. Please maintain the dignity of this)use.

The Hon'ble Mr. MOHAMMED ALI: Sir, I want a ruling from you. I am the Finance Minister and responsible for collecting taxes. Am I entitled to collect Amusement Tax from the honourable member who is indulging in this sort of amusement? (Laughter.)

Mr. NIHARENDU DUTT-MAZUMDAR: Sir, it is the characterisation of the Ministry.

Mr. SURESH CHANDRA DAS GUPTA: তাহ'লে আপনিও টিকিট করে ঢুকবেন।

Mr. KAMAL KRISHNA ROY: Sir, আমি প্রথমেই বলেছি, এটা যে গাছের ফল সেই গাছটিকে ভাল করে জানার প্রয়োজন আছে। আর একটা কথাও ভাবছিলাম এটা কন্ট্রোলের যুগ। অশন বসন থেকে আরম্ভ করে চাই কি কথা বলায়ও শাসন রয়েছে। এইখানে কিছু বলার মত, বলার চেষ্টা করারও উপায় নাই। এক্ষুণি হয়ত নীল বাতির নোটিশ জারী হবে, তা যদি না মানি তাহলে লাল দেখে ঘা'ল হতে হবে। এই কন্ট্রোলের যুগে বিল কন্ট্রোল হওয়াও দরকার। মন্ত্রীমহোদয়েরা যদি আত্মসংযমী না হন, তাহ'লে তাঁদের অনুরোধ করবো তাঁরা বিল কন্ট্রোল "পিল" খান। এতে দু-দিক দিয়ে উপকার পাবেন, প্রথমতঃ স্বাস্থ্যোন্নতি। ঘন ঘন প্রসবে যে স্বাস্থ্যহানি ঘটে একথা বক্তৃতা দিয়ে আর বোঝাতে হয় না। আর দ্বিতীয়তঃ ঘন প্রসবের অনিবার্য্য ফল মারাত্মক গর্ভস্রাব ব্যাধি হতে রক্ষা পাবেন।

অবিবেচনার ফলে সমস্ত বিলগুলি গর্ভস্রাব বিশেষই হয়ে পড়ে। বিবেচনার সহিত বিল আনলে আমাদের মুখে আপনি খিল পড়বে, মনে মিল আসবে। কথার ঢিল ছোড়াছুড়ি বন্ধ হবে, মনেরও মিল আসবে আর তাতে দিলও সাফ হয়ে যাবে এতে তিলমাত্র সন্দেহ নাই। মাননীয় মন্ত্রীমহোদয়কে অনুরোধ করবো তিনি আমার কথা বাতিল না করে, বিশেষ বিবেচনার সামিল করুন। দয়া করে "বিল-কিল-পিল" খান, কিছুদিনের জন্য পরিষদের আবহাওয়া অনাবিল হোক।

Mr. SURESH CHANDRA DAS GUPTA: মাননীয় প্রমুখ মহাশয়, যে বিল এখানে উপস্থাপিত হয়েছে সেই বিল সম্বন্ধে আমি দু-একটি কথা বলতে চাই। সংস্কৃতে একটি কথা আছে "প্রয়োজনমনুদ্দিশ্য ন মন্দোঽপি প্রবর্ত্ততে" (একটা প্রয়োজনকে উদ্দেশ্য না করে কোন মূর্খ লোকও কোন কাজ করে না)। আমাদের মন্ত্রীরা তো মূর্খ নন সুতরাং কাজটার কি প্রয়োজন উপলব্ধি করে এই বিল এখানে উপস্থিত করেছেন তা আমরা জানি না। (A voice তাই নাকি?) অনেক দিন থেকে এই Non agricultural Tenant দের সম্বন্ধে কিছু কিছু আইন করার চেষ্টা চলছিল। বর্ত্তমানে এক অস্থায়ী ব্যবস্থা করা হোল কিন্তু এই ব্যবস্থা এত তাড়াতাড়ি করা হোল যাতে সকলের সঙ্গে পরামর্শ করতে পারা যায় নাই। সুতরাং আমরা আশা করেছিলাম যে এই আইনের বিধানগুলি সর্ব্বসাধারণের অধিকতর কল্যাণজনক করবার জন্য এ সম্বন্ধে বিশেষ বিবেচনা করে একটি চিরস্থায়ী আইন প্রণয়ন করা হবে।

কিছুদিন পূর্ব্বে এই রকম একটা আইন Select Committee থেকে বেরিয়েছে এবং সেটা আমাদের বিচারের জন্য আমাদের সম্মুখে উপস্থিত করবার দিন ধার্য্য হয়েছে ২১শে এপ্রিল তারিখে। তাতে লেখা আছে

..... The Bengal Non-Agricultural Tenancy Bill, 1946, as reported by the Select Committee, be taken into consideration and passed

আজ ১৯ তারিখ, ২১ তারিখ হতে আর মাত্র দুটি দিন বাকি আছে। সুতরাং এই দুইটি দিন যদি আমরা ভাল করে আইনটি সম্বন্ধে বিবেচনার জন্য অপেক্ষা না করি তাহলে এই রকম একটা অবিচিন্তিত আইনকে আইনে পরিণত করে তার স্থিতির দিন বাড়াবার কি প্রয়োজন থাকতে পারে তা আমরা বলতে পারি না। বর্ত্তমান আইনে এইরূপ কোন বিধান করা হয় নাই যাতে বোঝা যায় যে নূতন যেটা গভর্ণমেণ্ট হতে সত্য করে প্রবর্ত্তিত হবে সেটার উপর একে নির্ভর করতে হবে। অর্থাৎ সেটাও তাড়াতাড়ি হবে এটাও উঠে যাবে। সেই নূতন আইন কবে চলবে তা প্রাদেশিক সরকারের মর্জির উপর নির্ভর করছে। প্রবর্ত্তনের কোন নির্দ্দিষ্ট দিন নাই। তাই মনের ভিতর একটা সন্দেহ জেগে উঠছে। হয়ত এটাতে জনকল্যাণকর অনেক কিছু করা হয়েছে এবং যেটা বিশেষ সুচিন্তিত বিলরূপে ধার্য্য করা হয়েছে। অথচ এই অবিচিন্তিত আইনটাকে অনেক দিন বাঁচিয়ে রাখবার জন্য ৫ বৎসর বাড়িয়ে আবার ৭ বৎসর, ৭ বৎসর বাড়িয়ে ৮ বৎসরের জন্য এই অবিচিন্তিত বিলের মেয়াদ বাড়ান হয়েছে এইজন্য একটা আশঙ্কা আমাদের মনের ভিতর জাগছে, কেবল এইজন্য এই বিলটা পাশ করা

উচিৎ নয়।" মন্ত্রীরা যদি সত্যই সমস্ত বাংলাদেশের Non-agricultural Tenantদের হিতের জন্য এই বিল করবার মনস্থ করে থাকেন তাহলে Select Committee যেটা বার করেছে সেটা যাতে অতি শীঘ্র পাশ হয়ে যায় তার ব্যবস্থা করুন, যাতে সেটা অল্পকালের মধ্যে আইনরূপে প্রবর্ত্তিত হয়ে এই বাংলাদেশে প্রবর্ত্তিত হোক। আমার মনে হয় তাহলে খুব ভাল হয় নাহলে তাড়াতাড়ি করে একটা বিল এনে তাকে বেশী দিন জীইয়ে রাখবার কি প্রয়োজন?

আমরা শুনেছি Egypt দেশে মরাকে mummy করে জীইয়ে রাখা হোত কিন্তু কেন রাখত তা জানি না। কোন কোন দার্শনিক বলেছেন মানুষকে চিরস্থায়ী করবার একটা আকাঙ্ক্ষা থেকে এই উপায় করা হয়েছে। এবং রামায়নে আমরা পড়েছি দশরথ যখন বৃদ্ধ হয়ে মারা পড়েন তখন তাঁর দেহ ভরতের আগমন সাপেক্ষ্যে দীর্ঘকাল স্থায়ী করে রাখবার জন্য তাঁকে তেলের মধ্যে রাখা হয়েছিল। আমাদের মন্ত্রীমহাশয় বলতে পারেন কি এই যে মৃতবৎ একটা আইন একে দীর্ঘ দিন বাঁচিয়ে রাখবার প্রয়োজন কি হয়েছে? যদিও দেখা যায় রামচন্দ্র যুবরাজ হয়ে আসছেন তখন আর দশরথের দেহ রক্ষার কোন প্রয়োজন ছিল না। যদিও একটা সুচিন্তিত আইন আমাদের সম্মুখে উপস্থিত হয়েছে যেটা আমরা তিন দিনের মধ্যেই বিবেচনা করব এবং প্রয়োজন হলে অল্প দিনের মধ্যে পাশ করে দেব এবং আবশ্যক হলে অল্প দিনের মধ্যে এটা প্রবর্ত্তন করতে পারব। এটাকে দূরে ঠেলে রাখবার এবং এই মরা আইনটাকে ৮ বৎসর মেয়াদ কেন করা হোল তা আমরা বুঝতে পারছি না। এটা আমার অজ্ঞতা হতে পারে, আমার কল্পনা হতে পারে কিন্তু আমি বলব এর ভিতর হয়ত একটা কিছু উদ্দেশ্য আছে যা তাদের সকলের কাছে অত্যন্ত সুস্পষ্ট। তাই তাদের কাছে বলছি যাতে তাঁরা এই বিলটি পাশ না করেন। মাননীয় মন্ত্রীমহাশয়কে আমি এই কথাই বলব যে এই বিলটা পাশ করবার কোন প্রয়োজন নাই। যদি প্রয়োজন থাকে ভাল, সেটা তো আমরা তিন দিন পরে পাইবই। এইজন্য অনর্থক চেষ্টা না করাই ভাল। তাঁরা আর এর চেষ্টা করবেন না।

অপর পক্ষ হতে বলা হচ্ছে আমরা বক্তৃতা করে Assemblyর সময় নষ্ট করছি হয়ত সেটা তাদের কাছে এরূপ মনে হতে পারে। কিন্তু জিজ্ঞাসা করি পরশু যে নূতন আইনের ব্যবস্থা হচ্ছে তার দুই দিন আগে অনর্থক এত কাগজ ছাপিয়ে এবং এই আইন সম্ভাব মূল্যবান সময় নষ্ট করার কি দরকার আছে? সেই জন্য আজকে আর কিছু বলব না। নূতন আইন প্রবর্ত্তন হলে সেই সময় বলব। আজ শুধু এই কথাই বলব যে এই temporary provisionকে জিইয়ে রাখবার অসাধ্য সাধন করবার কোন দরকার নাই। কিন্তু কেন এই অসাধ্য সাধনের চেষ্টা করা হচ্ছে? আমার মনে হয় এর ভিতর কোন উদ্দেশ্য আছে আর সেই উদ্দেশ্য এই যে নূতন আইন শীঘ্র পাশ করা হবে না।

আমাদের উচিৎ আমাদের সমগ্র শক্তি দিয়ে নূতন বিলটিকে আইনে পরিণত করার চেষ্টা করা।

The Hon'ble Mr. FAZLUR RAHMAN: Sir, I am really sorry that a Bill which has been meant for the poor people should have called for such a heated debate even as a temporary measure, and this, Sir, I did not expect. Mr. Sinha for whom I have the greatest regard has been mostly irrelevant and so his observations do not call for any reply from me. With regard to the observations of the Deputy Leader of the Congress party, Mr. Dhirendra Nath Datta, and of Mr. Das Gupta, I will try to reply them. With regard to the other speakers I must say that their speeches were neither relevant to the issue under discussion nor have they spoken things which are consistent with the dignity of the House. Therefore, their observations do not deserve any reply from me.

With regard to the observation of the Deputy Leader of the Congress party that in the measure which has been taken into consideration during this session in this House, Howrah has been omitted, you will be surprised to hear, Sir, that it was at the instance of his party that this was done in the Select Committee. I am glad that they themselves do now feel the necessity that Howrah should be included within the purview of this Bill and I can assure the House that Howrah will be included in the Bill. With regard to the other question which has been raised by the Deputy Leader and Mr. Das Gupta as to what is the necessity of this measure because the other comprehensive measure will soon be taken up by the House. This House is aware, Sir, that the Bengal Non-Agricultural

Tenancy Act will expire on the 30th May and a comprehensive measure which I intend to place on the Statute Book as early as possible cannot be passed into law within that time. But it may be possible if my friends on the other side are prepared to sit beyond the 25th of this month and place that Bill into the Statute Book within that time. If the Congress members assure me of placing that Bill on the Statute Book by the 30th of May, then I am prepared to withdraw this Bill. But I do not think that they are prepared to do so. Therefore it is no use showing solicitude for the poor and at the same time trying to kill a Bill which is intended to benefit them. What is the object of all these observations that this Bill should be withdrawn? The only conclusion is that the moment the temporary Provisions Bill will be dropped and the present Act be non-agricultural tenants will be evicted and the lands will go to the vested interests—to the zemindars and landholding classes. Sir, this is the solicitude which has been expressed by the Congress party by their conduct in this House. As I have said, Sir, this is my challenge to them: if they are prepared to place the Bill which is now before the House in the shape of the report of the Select Committee and if they are prepared to sit beyond the 25th of this month and to consider it day by day and to get it passed by the Council also, so that it may be put on the Statute Book by the 30th May, then I am prepared to withdraw this Bill——. (Loud noise from the Congress benches.) As no assurance is forthcoming I have no other alternative but to place this motion for the acceptance of the House. With these words, Sir, I commend my motion to the acceptance of the House.

The motion of the Hon'ble Mr. Fazlur Rahman that the Bengal Non-Agricultural Tenancy (Temporary Provisions) Extending Bill, 1947, as settled in the Assembly, be passed was then put and agreed to.

The Bengal Local Self-Government Associations (Recognition) Amendment Bill, 1946, as passed by the Bengal Legislative Council.

The Hon'ble Mr. MOHAMMED ALI: Sir, I beg to move that the Bengal Local Self-Government Associations (Recognition) Amendment Bill, 1946, as passed by the Bengal Legislative Council, be taken into consideration.

Sir, this is a very short and simple Bill. The existing provisions of the Act allow and permit the Government to recognise bodies or associations formed by district boards, municipalities and union boards and it also empowers the representatives of various local bodies to draw their travelling allowance for attending meetings but it does not empower the representatives of those bodies to attend meetings of the Executive Committees or Working Committees of those bodies. Government feel that in order to help the local self-governing bodies' associations to function properly, the meetings of the executive committees should be convened by the associations and this small amending Bill provides for delegates from union boards, municipalities and district boards to draw travelling allowance from their respective funds for attending executive committee meetings of their associations. We have put a maximum limit to the number of meetings to which they can attend and draw their travelling allowance, and this number is four per annum on the basis of one meeting for every quarter of a year. These are the two simple amendments that we want to make and I hope the House will accept them for the proper and efficient working of the local self-governing bodies' associations. With these words, Sir, I commend my motion to the acceptance of the House.

Mr. NIHARENDU DUTT-MAZUMDAR: Sir, I oppose this Bill on the ground, as you are aware, Sir, that this side of the House cannot but view with grave concern the provisions made about paying travelling allowance out of such funds. This is, Sir, only an underhand means for making provisions for paying travelling allowance to Muslim League protagonists

and the Finance Minister has very boastfully declared that his mind cannot but represent the declared Muslim League outlook; and so he is incompetent to speak as a Minister of the Province. Sir, a broad vision is necessary. As a Minister for the whole Province the outlook of the custodian of the welfare of the people is needed, but that does not come anywhere within the outlook of the members of the Muslim League Ministry about which the Hon'ble the Finance Minister in his juvenile enthusiasm was proud to declare that he was proud as a one-eyed monster-minded Minister, not representing the people of Bengal, but a particular coterie—the Muslim League—which has been rousing the Frankenstein of blood-spilling in the Province and drowning the welfare of the people in that nefarious job.

Sir, they have been importing under the name of armed police armed bandits and hooligans from other Provinces and other parts of India while thousands of people in Bengal cry for jobs.

Now, they come forward with a Bill asking for provision for paying travelling allowance to members of some sort. It is a subterfuge for the purpose of making provision for paying travelling allowance to the propagandists of the Muslim League who are going about preaching arson, murder, violence and what not. Furthermore, the House realises that in this Province in the local bodies joint electorate—non-communal electorate—was in vogue. In the non-communal electorate members have got to canvass votes even of the minority communities and they cannot at the same time advocate chopping off their heads.

Now, another Bill is to come and it is in contemplation that electorates in the local bodies are to be remoulded on the basis of separate electorate. Now, Sir, those elements, those propagandists who will go forward will make the strongest appeal to the basest passions of the League-minded followers of this Muslim League Party and they are to be encouraged and with impunity they can go on preaching any amount of hatred without having to appeal to the non-Muslim voters.

Mr. SPEAKER: This is a very far-fetched argument.

Mr. NIHARENDU DUTT-MAZUHDAR: It is for the purpose of financing and subsidising people of that creed that this Bill is coming forward in order to finance this nefarious game. Therefore, this side of the House views with grave concern this measure and is very doubtful of the purpose. It is not what it looks like, it is not what the Hon'ble Finance Minister pretends it to be and, therefore, I cannot but record the strongest opposition of this side of the House against the measure which he has proposed. I am aware and fully aware that by virtue of the brute majority they will carry this measure through. Crores and crores of rupees out of the public revenues are being wasted in the sectional interest of the Muslim League and not of the people of Bengal. We know that there are many, many people even among the Muslims who are acutely suffering. We find reports of deaths due to starvation even of Muslims. This coterie-ridden Government can only come forward and rouse passions of the Muslim India in order to maintain itself in power while carrying on its nefarious game. It is in that view of things that this side of the House thinks it necessary to voice a stern note of warning against this game. Unless and until this Ministry can show that they are capable of taking a broad view, as is befitting the custodians of the welfare of the whole people of this Province, they are unfit to be encouraged in this game of squandering money and these measures are coming forward with a view to creating more of patronage, with a view to open the flood-gates of nepotism, to cherish and harbour those who are engaged in the nefarious game of the Muslim League. This is intended with a view to inflame further passions—in East Bengal in particular to inflame further passions—so that under cover of these meetings the elements which are absolutely unsocial and the very dregs of society—who may be either Hindus or Muslims of the Province—who

want no peace may go about inflaming passions. They are to become recruiting agents for the recruitment of the so-called invaders of the Province of Assam. An honourable member of this House who happens to be the Secretary of the Muslim League did not find time enough or inclination enough to remain in Calcutta to extinguish the frenzy of the communal fires that has reduced the life of Calcutta to veritable hell, but he went to Assam and was inciting his co-religionists in Bengal to invade Assam. It is in furtherance of such designs that this provision has been made for the purpose of paying allowance to these members. The payment of such allowance is not necessary and to make provision for the payment of allowance simultaneously with making provision for separate electorate in the local bodies gives rise to grave concern.

(Mr. Mudassir Hossain rose to speak.)

My friend is rising up. My friend realises the aptness of my observation and therefore it goes home to him and he rises in protest. But this protest will deceive none and this show of righteous indignation will not cover the vicious design that lies concealed in this Bill. Therefore, I beg to record my unqualified condemnation of the Ministry and opposition of this side of the House.

Mr. PROVAS CHANDRA LAHIRI: মাননীয় স্পীকার মহোদয়, এই বিল সম্পর্কে আমার পূর্ববর্তী বক্তা বন্ধুবর শ্রীযুত নীহারেন্দু দত্ত মজুমদার মহাশয় যে কথা বললেন, আমি তাহা সমর্থন করি। বর্তমান মন্ত্রিমণ্ডলী Local Self-Government Act কে শক্তিশালী করার জন্য কোন চেষ্টা করছেন বলে, তাঁদের কার্যকলাপে আমরা দেখতে পাই না। এটা শুধু তাঁদের প্রপোগণ্ডা কার্য্য করানোর জন্য যে কিছু ভাতা বৃদ্ধির প্রয়োজন তাই তাঁরা করেছেন। আমি কয়েক দিন আগেকার একটা ঘটনার বিষয় কিছু বলতে চাই।

The Hon'ble Mr. MOHAMMED ALI: On a point of order. Members from the Opposition are deliberately frittering away the time of the House. They have not understood what the provisions of the Bill are and they are making reference to the provisions of the Bill which are not there at all.

Mr. SPEAKER: Mr. Lahiri, I am also inclined to think so. When members speak about a certain Bill it is expected that they have gone through the Bill and they have understood the implications of the Bill. Your speech is a general speech without any reference to the Bill, without any implication of what it is intended for. A general speech is never allowed on such an occasion.

Mr. PROVAS CHANDRA LAHIRI: কিন্তু, Local Self-Government বিভাগে যেভাবে কাজ চলছে এবং Local Self-Government এর মন্ত্রী মহাশয় যে ভাবে কাজ করছেন .....

Mr. SPEAKER: It has nothing to do with the Local Self-Government administration. It is only granting certain privileges to the administrators of the local self-governing institutions, that is, the Chairman of the district boards, to attend meetings of their association for the purpose of protecting the rights and interests of the local self-governing bodies and the Chairmen of district boards are both Hindus and Muslims.

Mr. PROVAS CHANDRA LAHIRI: Yes, I am coming to that.

যদি এই বিলের উদ্দেশ্য Local Self-Government বিভাগকে শক্তিশালী ও সাহায্য করা হতো, তাহলে আমরা সেটা বর্তমান মন্ত্রি মণ্ডলীর কার্যকলাপ হতে দেখতে পেতাম। কিছুদিন আগে রাজসাহী জেলাতে ডিষ্ট্রিক্ট বোর্ডের election হবার কথা ছিল এবং সেখান থেকে আমরা যারা এসেম্বলীর মেম্বার আছি, সকলে মিলে Local Self-Government এর ভারপ্রাপ্ত মন্ত্রী মহাশয়ের নিকটে একটি

দরখাস্ত করি এই বলে, যে, "বর্তমান election postpone করা হউক"; এবং তার উত্তরে তিনি order দেন যে ঐ election নভেম্বর পর্যান্ত postpone থাকবে। অথচ এই order... .....

Mr. SPEAKER: That is again irrelevant. Whether a district board election has been postponed or has not been postponed has nothing to do with this Bill.

Mr. PROVAS CHANDRA LAHIRI: অথচ এই order ডিষ্ট্রিক্ট ম্যাজিষ্ট্রেটকে communicate করা হয়নি। যার ফলে ৮০ হাজার টাকা জেলা বোর্ডে খরচ হয়ে গিয়েছে। আমি দেখাতে চাই যে জেলা বোর্ডের ৮০ হাজার টাকা খরচ হয়ে গিয়েছে, অথচ election postpone হলো। আবার নূতন election করতে গেলে, পুনরায় ফের ৮০ হাজার টাকা খরচ হবে। সুতরাং বর্তমান গভর্ণমেণ্টের Local Self-Government বিভাগকে যদি শক্তিশালী করাই উদ্দেশ্য হতো, তাহ'লে এই রকম irresponsible কাজ সেখানে হ'তে পারত না। তাঁদের আসল উদ্দেশ্য হচ্ছে, টাকা দিয়ে স্বায়ত্ত শাসন বিভাগকে সাহায্য করা নয়; টাকা দিয়ে নিজেদের দল বা একটা বিশেষ দলের অংশকে সন্তুষ্ট করা, এইটাই তাদের প্রধান উদ্দেশ্য। সেই জন্য আমি এই বিলের প্রতিবাদ করি। যদি সত্য সত্যই স্বায়ত্ত শাসন বিভাগকে শক্তিশালী করার উদ্দেশ্য হতো তাহ'লে এই প্রকার সমস্ত rriesponsible কাজ এই বিভাগ থেকে হতে পারতো না। ৮০ হাজার টাকা খরচ হয়ে গিয়েছে, আবার ৮০ হাজার টাকা খরচ হবে, তারপরে রাজসাহী জেলা বোর্ড ধ্বংস হয়ে যাবে,—এই কি তাঁদের স্বায়ত্ত শাসন বিভাগকে শক্তিশালী করা? তাঁদের আসল উদ্দেশ্য হ'চ্ছে নিজেদের দল ও তাঁদের দলীয় কতকগুলি লোককে শক্তিশালী করা। তাঁদের হাতে brute majority আছে, সুতরাং তাঁরা এই House এ বসে যা ইচ্ছা তাই করতে পারেন। মুসলিম লীগকে সর্বপ্রকারে সাহায্য করতে পারেন, তাঁদের সুবিধার জন্য যা ইচ্ছা তাই করতে পারেন। সুতরাং আমি অনুরোধ করি তাঁরা এই ভণ্ডতা ছাড়ুন, এবং যদি দেশের সত্যিকারের কাজ এবং উপকার করতে চান তাহলে সেই মনোভাব নিয়ে কাজ করুন, আর না হ'লে আপনারা বিদায় হউন। আপনারা যত শীঘ্র এখান থেকে বিদায় হতে পারেন ততই বাংলার মঙ্গল এবং এতে বাঙ্গালী উপকৃত হবে। আমি আবার বলি, যদি দেশের প্রকৃত মঙ্গল চান ও সত্যিকারের কাজ করতে চান, তাহলে সেই মনোভাব নিয়ে কাজে অগ্রসর হউন। কিন্তু দুঃখের বিষয়, যেহেতু বর্তমান মন্ত্রিমণ্ডলীর সেই মনোভাব দেখতে পাচ্ছি না সেইহেতু আমি এই বিলের প্রতিবাদ করছি।

The Hon'ble Mr. MOHAMMED ALI: Sir, I am surprised at the irrelevant utterances of Mr. Niharendu Dutt-Mazumdar. He is an experienced parliamentarian and it was expected that he would study the provisions of the Bill before he offered any criticism. He has said that the Bill provides facilities for granting of travelling allowance to propagandists to tour rural areas. Sir, this is far from the fact. The actual provision of the Bill is to give travelling allowance to Chairmen of District Boards and of Municipalities who form themselves into Associations to attend meetings of the Executive Committee of those Associations. So the question of granting travelling allowance in connection with touring is not covered by the provisions of the Bill. I wish Mr. Dutt-Mazumdar had studied the amending Bill before he made speeches on the floor of this House. I think he did understand the provision of the Bill but he wanted to avail of this opportunity to waste the time of the House (*a*) for a definite ulterior motive and (*b*) to avail of the opportunity of casting some kind of aspersions on the conduct of the present Government. I can understand the psychology of Mr. Niharendu Dutt-Mazumdar. It can be very aptly described by a couplet which is well known and which explains that well-known psychology. "I do not like you Dr. Fell the reason why I cannot tell". The Bill is not liked by Mr. Dutt-Mazumdar even though he cannot find any reasons to go against that and that psychology is displayed by my friend Mr. Niharendu Dutt-Mazumdar. He has referred to the question of brute majority and of trying to carry on legislation by force of that majority. He did not relish this expression when it was uttered by Mr. Jinnah some years back.

Now we hear about the demand for the partition of Bengal. My friends opposite did not relish partitioning when it was placed by the Muslim League.

Mr. SPEAKER: I won't allow irrelevant matters from either party. If one party is allowed to say irrelevant matters it is very difficult to stop the other.

The Hon'ble Mr. MOHAMMED ALI: There are two important local self-governing bodies association, namely, the Chairmen of the District Boards Association and all-Bengal Municipal Association. They are composed of the Chairmen of these bodies and any aspersion against the conduct of the Chairmen of the District Boards and Municipalities must be objected to and I strongly resent the aspersions cast by the members of the Opposition. They are responsible public men and it is the duty of the Government to encourage the growth of local self-governing bodies in this Province and give facilities to such public men living in mufassal areas and therefore Government have come forward with these provisions so as to enable those Chairmen of District Boards and of Municipalities to look to their affairs and to co-ordinate and collaborate the principies of local self-government, so that a uniform policy may be adopted throughout Bengal, and it is therefore that Government have given facilities to such associations to meet at regular intervals and in order to meet at regular intervals Government will permit them to draw travelling allowance from the coffers of their respective local bodies.

With these words, Sir, I commend my motion to the acceptance of the House.

The motion of the Hon'ble Mr. Mohammed Ali that the Bengal Local Self-Government Associations (Recognition) Amendment Bill, 1946, as passed by the Bengal Legislative Council, be taken into consideration was then put and agreed to.

Clause 1.

The question that clause 1 stand part of the Bill was then put and agreed to.

Clause 2.

The question that clause 2 stand part of the Bill was then put and agreed to.

Preamble.

The question that the Preamble stand part of the Bill was then put and agreed to.

The Hon'ble Mr. MOHAMMED ALI: Sir, I beg to move that the Bengal Local Self-Government Associations (Recognition) Amendment Bill, 1946, as settled in the Assembly be passed.

The motion was then put and agreed to.

The Cattle-Trespass (Bengal Amendment) Bill, 1946, as passed by the Bengal Legislative Council.

The Hon'ble Mr. MOHAMMED ALI: Sir, I beg to move that the Cattle-Trespass (Bengal Amendment) Bill, 1946, as passed by the Bengal Legislative Council, be taken into consideration.

Sir, this Bill provides for giving District Magistrates authority to appoint Chairmen of Municipalites and Presidents of Union Boards to dispose of impounded cattle. Of course there is also provision for the delegation of this power by the Chairmen of Municipalities and Presidents of Union Boards

to their respective Vice-Chairmen and Vice-Presidents. This amending Bill also provides for the District Magistrates to delegate powers under Section 14 to Subordinate Magistrates to give directions as to the manner in which the unclaimed impounded cattle are to be disposed of. In cases they are likely to fetch a fair price if sold in auction, there is also provision to give power to permit the District Magistrates to delegate powers to their Subordinate Magistrates to enquire into the claims of the surplus proceeds of unclaimed cattle and to pass orders for the payment of surplus. At the present moment the District Magistrates have to make enquiries themselves. There is no provision for delegation of their power to their Subordinate Magistrates. The House will probably realise that the District Magistrates are burdened with multifarious duties, and it is very difficult for them to look into such minor matters regarding the disposal or sale of impounded cattle. Therefore it is necessary that the present Act should be amended, so that the District Magistrates may be authorised to empower their subordinate Magistrates in respect of making enquiries and in respect of disposing of sale-proceeds from unclaimed cattle. [Mr. HARIPADA CHATTERJEE: Why not make it a little broader? (Laughter.)] To include you? (Renewed laughter.) It is also proposed to give the District Magistrates authority so as to authorise the Chairmen of Municipalities and the Presidents of Union Board to dispose of impounded cattle. I am sure the House will realise that it is necessary that we should give increased powers to non-official men and in that sense the House will appreciate the provisions of this Bill.

With these words, Sir, I commend my motion to the acceptance of the House.

The motion of the Hon'ble Mr. Mohammed Ali that the Cattle-Trespass (Bengal Amendment) Bill, 1946, as passed by the Bengal Legislative Council, be taken into consideration, was then put and agreed to.

Clause 1.

The question that clause 1 stand part of the Bill, was then put and agreed to.

Clause 2.

The question that clause 2 stand part of the Bill, was then put and agreed to.

Clause 3.

The question that clause 3 stand part of the Bill, was then put and agreed to.

Clause 4.

The question that clause 4 stand part of the Bill, was then put and agreed to.

Preamble.

The question that the Preamble stand part of the Bill, was then put and agreed to.

The Hon'ble Mr. MOHAMMED ALI: I beg to move that the Cattle-Trespass (Bengal Amendment) Bill, 1946, as settled in the Assembly be passed.

The motion of the Hon'ble Mr. Mohammed Ali that the Cattle-Trespass (Bengal Amendment) Bill, 1946, as settled in the Assembly be passed, was then put and agreed to.

The Bengal Dentists (Amendment) Bill, 1946, as passed by the Bengal Legislative Council.

The Hon'ble Mr. MOHAMMED ALI: I beg to move that the Bengal Dentists (Amendment) Bill, 1946, as passed by the Bengal Legislative Council, be taken into consideration.

Sir, this Act commenced in 1940 and it provided that Dental practitioners who have been practising for 5 years before the commencement of the Act were to register their names within one year of the commencement of the Act and dentists with less than 5 years of practice were to be registered if they pass a certain prescribed examination within 5 years of the enactment. But, Sir, many dental practitioners have not yet availed of the opportunity provided in the Act. They have not registered their names and Government feel that a further opportunity should be given to these dental practitioners to get themselves registered and enrolled. We have, therefore, provided in this Bill that Dental practitioners who have been practising before the commencement of the Act and may be found eligible for registration on their passing a prescribed examination not later than the 31st of May 1950, that is to say, we are giving them an opportunity for another 3 years from now so that they may pass the prescribed examination and get themselves enrolled. There are some amendments which are proposed to be moved so that the time-limit may be extended. I think it will be unfair to the dental practitioners if they are not given at least three years more. I think the members of the Opposition will not press their amendments and will give these dental practitioners another extension of three years, so that they may pass the prescribed examination which is conducted by their Faculty, and get themselves registered. With these few words I commend my motion for the acceptance of the House.

Mr. DHIRENDRA NATH DATTA: Sir, I rise to oppose the motion. The Bengal Dentists Act, 1939, received the assent of the Governor on the 17th August, 1939.

The Hon'ble Mr. MOHAMMED ALI: Sir, it will require the consent of His Excellency——.

Mr. SPEAKER: He is opposing the introduction of the Bill.

Mr. DHIRENDRA NATH DATTA: The medical practitioners who have been practising for less than five years have been given sufficient time. Under sub-section (3) of section 12 of the Bengal Dentists Act, 1939, a dentist who has, previous to the commencement of this Act, been *bona fide* engaged in the practice of dentistry in Bengal but for a period of less than five years, were given the opportunity to pass within five years from the commencement of the Act special examination held by the medical faculty of Bengal. If he failed to pass the examination he is not entitled to register himself as a dentist. If when engaged in the profession of dentistry he does not avail of the opportunity given for five years and does not sit for the prescribed examination, I submit, Sir, he is not entitled to be registered as a dentist. No further time should be allowed. This Bill has been introduced for extending the time to men who did not avail of the opportunity for five years, and it is clear that they do not avail of the opportunity because they feel that they have not the sufficient qualification to sit for the examination during the last five years. They should not be allowed to render service—rather dis-service to the people. I know of many persons who are not qualified but they are allowed to practise. So with these few words I oppose the motion.

The Hon'ble Mr. MOHAMMED ALI: I would like to remove the misunderstanding existing in the mind of the Opposition. The question of not allowing the dentists to practise in the public does not arise, because it is only the question of giving them status and getting them registered as

dental practitioners. Even among the medical practitioners there are quacks and others practising everywhere, but it is very difficult to prevent them from practising. The honourable members will realise that those unqualified who are practising in medicine are much more dangerous than the dentists are likely to be. In this Bill it is sought to give them scope and a further opportunity to pass the examination within another three years, and thereby enable the dentists to brush up their knowledge. It is in the interest of the public that these persons should sit at these prescribed examinations. If the opportunity is denied to them, they will not be able to get themselves registered and sit for the examination. The fact remains that they will be able to continue to practise to the detriment of the people. I think the Deputy Leader of the Opposition will agree that it is necessary to give those dentists who have been in practice before the commencement of the Act a further opportunity to sit at the examination which will be conducted by the Dentists Board. With these few words I oppose the motion of Mr. Dhirendra Nath Datta.

Dr. SURESH CHANDRA BANERJI: On a point of information. May I know from the Hon'ble Minister what facilities do the dentists get as a result of being registered?

The Hon'ble Mr. MOHAMMED ALI: He can hold certain offices, he can be eligible for certain appointments. Just as medical practitioners get themselves registered, here also they get themselves registered as dentists. It gives them certain other facilities also.

Clause 1.

The question that clause 1 stand part of the Bill was then put and agreed to.

Clause 2.

Mr. DHIRENDRA NATH DATTA: Sir, I beg to move that in clause 2, line 11, for the figures "1950" the figures "1949" be substituted.

Sir, the Hon'ble Minister in charge of the Bill has stated when moving for consideration of the Bill that a period of three years has been allowed to enable the unqualified dentists to get themselves qualified. As I have said in the beginning, they should not be allowed any further extension of time but if they are to be given any extension of time, I think two years' time is sufficient. Today we are in the midst of 1947 and I take it that those who have been practising as dentists for the last seven years and have not yet availed themselves of the examination and do not, as a matter of fact, intend to appear at the examination, have no claim to be registered as dentist practitioners. If, however, any legislation is necessary for the purpose of putting a stop to quack dentistry, such legislation should be introduced and a dentist who has not got a certificate should not be allowed to practice as a dentist. He is unfit to practise as a dentist, for he does not render any service to the community. So I feel that a man who has been practising for the last seven years and has not yet qualified himself by passing an examination on dentistry, should not be allowed to practise. It is with that object in view that I have moved this amendment and I have proposed that he should not be allowed to practise as such for more than two years. I hope this short amendment will be accepted by my friend, the Minister in charge.

The Hon'ble Mr. MOHAMMED ALI:, Sir, I have nothing further to add to what I have already said. I save said that three years' time should be given to the dentists. A further opportunity should be given to them to pass the prescribed examination. Therefore it is necessary that a period of three years should be given to them to pass the examination and get themselves registered. When Mr. Dhirendra Nath Datta agrees to the extension of time to 1939, I am sure he will readily agree to give another chance to the dentists to get themselves qualified by 1950.

The motion of Mr. Dhirendra Nath Datta that in clause 2, line 11, for the figures "1950" the figures "1949" be substituted, was then put and lost.

The question that clause 2 stand part of the Bill was then put and agreed to

Preamble.

The question that the Preamble stand part of the Bill was then put and agreed to.

The Hon'ble Mr. MOHAMMED ALI: Sir, I beg to move that the Bengal Dentists (Amendment) Bill, 1946, as settled in the Assembly, be passed.

Dr. SURESH CHANDRA BANERJEE: Sir, I beg to oppose the Bill. Mr. Speaker, Sir, আমি মন্ত্রীমহোদয়কে এই বিলের উদ্দেশ্য সম্বন্ধে জিজ্ঞাসা করে যে উত্তর পেয়েছি তার পর ডাক্তার হিসাবে আমি এই বিল oppose করতে বাধ্য। আমি একজন Registered ডাক্তার। Registration দ্বারা আমরা দুইটি facility পাই।

Hon'ble Mr. SHAMSUDDIN AHMED: আপনি practice ত' করেন না।

Dr. SURESH CHANDRA BANERJEE: অনেক দিন practice করেছি এবং সরকারী চাকুরীও করেছি। তার পর যা বলছিলাম। আমরা Registration দ্বারা দুইটি মাত্র facility পাই। প্রথমতঃ আমরা certificate দিতে পারি এবং দ্বিতীয়তঃ আমরা বিভিন্ন নির্বাচনে ভোট দিতে পারি। Registration এর ফলে আমাদের কোনরূপ চাকুরী পাওয়ার সুযোগ সুবিধা হয় না। চাকুরী যারা পাবে তাদের বিশেষ ক্ষমতা দেখাতে হ'বে এবং যারা উদাসীন, এতদিন ধরে সুবিধা পেয়ে আসছে এবং ১৯৪০ সালে এই বিল পাশ হওয়া সত্ত্বেও এখন পর্যন্ত যারা Registered হয় নাই তাদের চাকুরীর সুবিধার জন্য এখন নূতন করে এই বিল পাশ করা গভর্ণমেন্টের পক্ষে অত্যন্ত অন্যায় হ'বে। কতগুলি অকর্ম্মণ্য ও অযোগ্য Dentistকে সরকারী চাকুরীর সুবিধা দেওয়ার জন্য এই বিল Assemblyতে আনা হ'য়েছে। তাই আমি সমস্ত Memberকে অনুরোধ করছি যে তাঁরা সকলে এই বিলের তীব্র প্রতিবাদ করুন। আমরা জানি কোন জায়গায়ই Registration এর উদ্দেশ্য সরকারী চাকুরী দেওয়া নয়। রীতিমত কাজ করে যারা সহজে পাশ করবে তাদের সরকারী চাকুরী দেওয়া উচিত। যারা একবারে পাশ করতে পারে না, পুনঃ পুনঃ সুযোগ পেয়েও যারা সুবিধা নেয় না সেই অকর্ম্মণ্য ছেলেদের চাকুরীর সুবিধা দেওয়ার জন্য এইরূপ বিল গভর্ণমেন্ট আনতে পারে তা' আমাদের ধারণার বাইরে, আমার সমস্ত শক্তি দিয়ে এই বিলের প্রতিবাদ করছি এবং এই Houseকে পাশ না করতে অনুরোধ করছি।

The Hon'ble Mr. MOHAMMED ALI: Sir, Dr. Banerjee has misunderstood the position. It is not for giving facility for medical appointment but it is simply to give facility for registration that this Bill has been brought forward in this House, for in that case the dentist gets a chance to get himself qualified and then he cannot only practise but he can also give certificates and, as such, his status as a dentist is enhanced, whereas if he is not registered, he is simply a quack. It is not that he may be given medical appointment that this Bill has been brought forward but it is to give him a special facility so that he may get himself registered as a qualified dentist. I am afraid, Sir, Dr. Banerjee has misunderstood the whole position.

The motion of the Hon'ble Mr. Mohammed Ali that the Bengal Dentists (Amendment) Bill, 1946, as settled in the Assembly, be passed, was then put and agreed to.

Adjournment.

The House was then adjourned at 12.57 p.m. till 4.30 p.m. on Monday, the 21st April, 1947, at the Assembly House, Calcutta.

Proceedings of the Bengal Legislative Assembly assembled under the provisions of the Government of India Act, 1935.

THE ASSEMBLY met in the Assembly House, Calcutta, on Monday, the 21st April, 1947, at 4-30 p.m.

Present:

Mr. Speaker (the Hon'ble Mr. NURUL AMIN) in the Chair, 6 Hon'ble Ministers and 181 members.

STARRED QUESTIONS

(to which oral answers were given)

(When starred question No. 199 was called out.)

Mr. MUHAMMAD HABIBULLAH CHAUDHURY: Question No. 198 was held over.

Mr. SPEAKER: It was finished.

Mr. MUHAMMAD HABIBULLAH CHAUDHURY: There was no supplementary question

Mr. BIMAL COMAR GHOSE: It was read but no supplementary question was asked on it.

Mr. MUHAMMAD HABIBULLAH CHAUDHURY: I at once pointed out that we wanted it to be held over.

Mr. SPEAKER: Who said so?

Mr. MUHAMMAD HABIBULLAH CHAUDHURY: I pointed out that there was no supplementary question.

Mr. SPEAKER: So far as I am concerned I did not announce that it was held over.

Mr. NIHARENDU DUTT-MAZUMDAR: As soon as it was read out you said that the question time was over and the members suggested that the question be held over.

Mr. SPEAKER: The demand of the members was not brought to my notice and there was no decision by the Chair with regard to whether the question should be held over or not. If the members think that this is a very important question I can allow one or two supplementary questions, not very many.

(Supplementary questions to Starred Question No. 198, which was carried over from 19th April, 1947.)

Mr. MUHAMMAD HABIBULLAH CHAUDHURY: Will the Hon'ble Minister be pleased to state whether Communal Ratio Rule is observed so far as these posts are concerned?

The Hon'ble Mr. NACENDRA NARAYAN ROY: Yes.

Mr. MIRZA ABDUL HAFIZ: Will the Hon'ble Minister be pleased to state the reasons why there is no Scheduled Caste member there?

The Hon'ble Mr. NACENDRA NARAYAN ROY: That question cannot be answered off-hand. However, I shall enquire into the matter.

Maulvi MAJIBAR RAHMAN: Will the Hon'ble Minister be pleased to state if Government is willing to hold an enquiry into the affair why the Communal Ratio Rule was not observed in the matter of appointment of the staff of the District Judge of Noakhali?

The Hon'ble Mr. NAGENDRA NARAYAN ROY: Sir, the Communal Ratio Rules came into effect on 17th March, 1939, and since that time these rules are being observed.

Uncultivated lands in Burdwan and Rajshahi Divisions.

***198. Dr. PRATAP CHANDRA GUHA ROY:** Will the Hon'ble Minister in charge of the Land and Land Revenue Department be pleased to state—

(*a*) how many acres of land remain uncultivated in Burdwan and Rajshahi Divisions;

(*b*) whether it is in the contemplation of Government to distribute this land to Bihar refugees to settle there; and

(*c*) whether it is a fact that Bengal is overpopulated and in some area land is not sufficient to provide the population of the place?

Mr. HAMIDUDDIN AHMED (on behalf of the Hon'ble Mr. Fazlur Rahman): (*a*) Burdwan Division—964,838 acres. Rajshahi Division excluding Darjeeling district—1,118,329 acres.

(*b*) The honourable member may refer to the Statement of Objects and Reasons of the Bengal Acquisition of Waste Land Bill, 1947, which was published in the *Calcutta Gazette Extraordinary*, of the 11th March, 1947.

(*c*) The area of cultivated land in the Province is not sufficient for providing the agriculturalists with economic holdings.

Mr. BIMAL COMAR GHOSE: On a point of order, Sir. The Hon'ble Minister has referred to a document in answer (*d*) which has not been laid on the table of the Assembly Library. So, I suggest that this may be held over.

Mr. SPEAKER: The reference is that it has been published in the *Calcutta Gazette* which has already been supplied to the members. This is a public document which the members have already got.

Mr. BIMAL COMAR GHOSE: But that is not the point. Even if the members get the document, they are not supposed to bring it on a particular day. So, whenever a document is referred to, it should be on the table so that members may go and see.

Mr. HAMIDUDDIN AHMED: It is the custom. Each and every member of the Assembly gets a copy of the *Calcutta Gazette* and whenever a document is under reference, if it is not available to each and every member of the House, that is only laid on the table.

Mr. BIMAL CHANDRA SINHA: On the point raised by Mr. Ghose, I suggest that on a previous occasion there was a reference to the Jail Code and even the Jail Code was laid on the table but the corrected copy was not laid there. That is why you were pleased to direct that a fresh and corrected copy should be supplied so that the members might know what the reference was. In this case also I think it would have been proper and fair for another copy of Objects and Reasons to be laid on the table. In that case you compelled the Government to supply a copy of the Jail Code. On that analogy, in this case also the same procedure should be followed.

Mr. SPEAKER: The only difference, so far as the Jail Code is concerned, is that it is not supplied to members, but here in the case of the *Calcutta Gazette*, this is supplied to members free of cost. So, every member is expected to know its contents.

Mr. BIMAL COMAR CHOSE: My submission is that we are not supposed to know as to which particular copy we are to bring along with us in framing our supplementary questions. If the Hon'ble Minister had informed us beforhand that on such and such a day we are to bring the *Calcutta Gazette* of a particular date, then we might have come prepared.

Mr. SPEAKER: But this copy is also available in the Library.

Mr. NIHARENDU DUTT-MAZUMDAR: You will be pleased to notice that on the Library table relevant copies of the *Calcutta Gazette* are placed in connection with particular questions and the same procedure ought to have been followed in this case also.

Mr. SPEAKER: I do not think Mr. Dutt-Mazumdar's contention has got any substance. So, I overrule it. Had it been the case of any other public document which is not supplied to the members regularly, I would have certainly seen to that, but *Calcutta Gazette* is supplied to members free of cost not for nothing but for reference.

Mr. NIHARENDU DUTT-MAZUMDAR: I may invite your attention to this fact. If you will be pleased to examine the Library table for a minute, you will find that in connection with answers to questions where particular copies of the Gazette are referred to the same copies are placed on the Library table specifically on each and every occasion. That being the practice, the members cannot be expected to bring cart-loads of Gazettes for finding out a particular document.

Mr. SPEAKER: So far as this point is concerned, this is concluded.

Mr. HAMIDUDDIN AHMED: My friend's argument is quite misleading.

Mr. NIHARENDU DUTT-MAZUMDAR: This is a type of lethargy which is very, very detrimental to the privilege of members and a very healthy practice was followed so far.

Dr. PRATAP CHANDRA GUHA ROY: With reference to answer (*b*), in the Statement of Objects and Reasons of the Bengal Acquisition of Waste Land Bill it is explained that settlement will be made with ex-servicemen, people who have been displaced from their holdings. Does the Hon'ble Minister mean to include the Bihar refugees in this class of people who have been dislodged?

Mr. HAMIDUDDIN AHMED: I have got nothing further to add to what has been stated therein, but whichever meaning my friend may bring in may hold good here also.

Mr. MUHAMMAD HABIBULLAH CHAUDHURY: In view of the fact that Eastern Bengal is overpopulated and there are lakhs of landless labourers there, are the Government contemplating to settle these waste lands and uncultivated lands of the Burdwan Division with the cultivators of Eastern Bengal?

Mr. HAMIDUDDIN AHMED: The Eastern Bengal people will not be excluded.

Dr. SURESH CHANDRA BANERJEE: Will the Hon'ble Minister be pleased to state if the area of cultivated land in the province of Bengal is not sufficient for providing the agriculturists of this province economically?

Mr. SPEAKER: So far as this question is concerned, it refers only to Burdwan and Rajshahi Divisions.

Dr. SURESH CHANDRA BANERJEE: Will the Hon'ble Minister be pleased to state why there is contemplation of giving these waste lands to refugees from Bihar?

Mr. HAMIDUDDIN AHMED: I think my friend is labouring under a misapprehension. It is not necessary that these lands should be given to Bihar refugees only.

Mr. MIRZA ABDUL HAFIZ: In view of the fact that there is absolutely no safety, security and protecion of life and property and honour of the refugees in Bihar does the Government consider the desirability of giving uncultivated fallow land to these Bihar refugees for the sake of justice, equity and common sense, particularly from the humanitarian point of view?

Mr. HAMIDUDDIN AHMED: Not necessarily.

Mr. BIMAL COMAR CHOSE: In view of the Hon'ble Minister's answer that these lands will not be reserved for Biharis only, will the Hon'ble Minister be pleased to state as to what other types or categories of people will be entitled to such lands?

Mr. HAMIDUDDIN AHMED: That is clearly stated in the Statement of Objects and Reasons of the Waste Lands Bill which has already been referred to.

Mr. BIMAL COMAR CHOSE: Will the Hon'ble Minister be pleased to state if it would be right to presume that the Biharis will also be entitled to such lands?

Mr. HAMIDUDDIN AHMED: They are not debarred from getting lands.

Mr. BIMAL CHANDRA SINHA: Will the Hon'ble Minister be pleased to state if the Government consider it desirable to settle the Noakhali refugees in view of the fact that they do not feel secure there and are moreover Bengalees?

Mr. HAMIDUDDIN AHMED: The entire fact cannot be accepted by Governrment but Noakhali refugees may also get lands; they are not debarred.

Mr. NIHARENDU DUTT-MAZUMDAR: Will the Hon'ble Minister be pleased to state whether other Provinces are contemplating to give the same reciprocal treatment in the settlement of lands to Bengal people?

Mr. HAMIDUDDIN AHMED: I have nothing to add.

Mr. NIHARENDU DUTT-MAZUMDAR: Will the Hon'ble Minister be pleased to state whether Government is contemplating the desirability of seeing that no non-Bengalee people are now allowed at this stage to settle on these lands which may be required for the people of Bengal for the purpose of development?

Mr. HAMIDUDDIN AHMED: No.

Mr. MUHAMMAD HABIBULLAH CHAUDHURY: Will the Hon'ble Minister be pleased to state whether the Government of Bengal also consider the desirability of keeping these lands reserved for buffaloes, zemindars, jotdars and people of a particular community.

Mr. HAMIDUDDIN AHMED: No.

Dr. SURESH CHANDRA BANERJEE: Will the Hon'ble Minister be pleased to state why in view of the fact that land in Bengal is not sufficient even for Bengalees land will be given to the Biharis?

Mr. HAMIDUDDIN AHMED: I have already stated that these lands are not exclusively meant for Biharis, but Biharis are also not debarred from getting lands.

Dr. SURESH CHANDRA BANERJEE: Will the Hon'ble Minister be pleased to state why are these lands going to be given to the Biharis at all as there is no sufficient land for Bengalees?

Mr. HAMIDUDDIN AHMED: We are not shutting anybody from getting lands.

Mr. NIHARENDU DUTT-MAZUMDAR: Will the Hon'ble Minister be pleased to state whether in the matter of settlement of lands it is the policy of the Government of Bengal to invite and encourage people from outside the Province to come and settle on the lands and to instigate Bengalee people and to go and invade other Provinces?

Mr. HAMIDUDDIN AHMED: Certainly not.

Mr. NIHARENDU DUTT-MAZUMDAR: In veiw of his last answer will the Hon'ble Minister be pleased to state whether Government contemplates taking steps that no outside people may be encouraged to come and settle on these lands?

Mr. HAMIDUDDIN AHMED: The question of encouragement does not come in

Mr. MUHAMMAD HABIBULLAH CHAUDHURY: Will the Hon'ble Minister be pleased to state who are the owners of these uncultivated lands?

Mr. HAMIDUDDIN AHMED: I want notice.

Mr. BIMAL CHANDRA SINHA: Will the Hon'ble Minister be pleased to state if the Government consider it desirable not to settle these lands till the partition of Bengal is effected?

Mr. HAMIDUDDIN AHMED: No.

Mr. MIRZA ABDUL HAFIZ: Will the Hon'ble Minister be pleased to state whether uncultivated lands of these two divisions form two-fifths of the uncultivated lands of the whole Province?

Mr. HAMIDUDDIN AHMED: I want notice.

(After question No. 200 was called.)

Mr. K. NASARULLA: Sir, this question may be held over.

Mr. SPEAKER: All right.

Collection of money from gun licence-holders for women's college in Murshidabad.

*201. **Mr. NARENDRA SINGH SINGHI:** Will the Hon'ble Minister in charge of the Home Department be pleased to state—

(a) how much collection has been made by the executive authorities of Murshidabad for the funds of the college for women from the gun licence-holders of that district; and

(b) whether it is a fact that collections have been made as referred to above by extortion and by threat?

Mr. K. NASARULLA (on behalf of the Hon'ble Mr. H. S. Suhrawardy): (*a*) Rs. 1,20,549.

(*b*) No.

Mr. NARENDRA SINGH SINGHI: Will the Hon'ble Minister be pleased to state whether the whole of this amount was raised from gun licence-holders or from other persons also?

Mr. K. NASARULLA: It seems that the answer is clear.

Mr. MIRZA ABDUL HAFIZ: Will the Hon'ble Minister be pleased to state what is the total estimate of the College

Mr. K. NASARULLA: I want notice.

Mr. NISHITHA NATH KUNDU: Will the Hon'ble Minister be pleased to state if it is the policy of Government to encourage collection of funds by the authority for certain purposes?

Mr. K. NASARULLA: If it is for good purposes like a College for women Government do not think that the District Magistrate should not encourage collection of funds in that respect.

Mr. MIHIR LAL CHATTOPADHYAYA: Will the Hon'ble Minister be pleased to state that the donations made by these people are voluntary?

Mr. K. NASARULLA: Yes.

Mr. BIMAL CHANDRA SINHA: Will the Hon'ble Minister be pleased to state if this collection is confined to holders of gun licences or to the general public as a whole?

Mr. K. NASARULLA: No, Sir, general public.

Mr. BIMAL CHANDRA SINHA: Will the Hon'ble Minister be pleased to state why is it that gun licence-holders are particularly singled out for the payment of such contributions?

Mr. K. NASARULLA: They are also members of the public.

Mr. BIMAL CHANDRA SINGHA: Will the Hon'ble Minister state if Government does not think it possible that in case these people are singled out, there is a great chance of indirect coercion?

Mr. K. NASARULLA: They have not been singled out.

Mr. NIHARENDU DUTT-MAZUMDAR: Will the Hon'ble Minister be pleased to state whether similar collection was made from contract-holders under the Civil Supplies Department?

Mr. K. NASARULLA: I do not think so.

Mr. MUHAMMAD HABIBULLAH CHAUDHURY: Will the Hon'ble Minister be pleased to state the names of officers who are responsible for the collection of subscription from the gun licensees?

Mr. K. NASARULLA: I want notice.

Mr. NISHITHA NATH KUNDU: Will the Hon'ble Minister be pleased to tell us if paying of subscription was a condition precedent to granting or renewing licences?

Mr. K. NASARULLA: No, Sir.

Mr. MIHIR LAL CHATTOPADHYAYA: Will the Hon'ble Minister be pleased to state whether these realisations are made on the day licences are issued or renewals are made?

Mr. K. NASARULLA: Not necessarily.

Mr. MIRZA ABDUL HAFIZ: Will the Hon'ble Minister be pleased to state whether the people of the District of Murshidabad will derive more benefit from the collection than the personnel of the executive authority?

Mr. K. NASARULLA: I submit, Sir, this question does not arise.

Mr. MUHAMMAD HABIBULLAH CHAUDHURY: Will the Hon'ble Minister be pleased to state how many gentlemen paid this amount of Rs.1,20,549?

Mr. K. NASARULLA: I want notice.

Mr. BIMAL CHANDRA SINHA: Will the Hon'ble Minister be pleased to explain what is the procedure of collecting funds? Is it not the procedure that after the guns are deposited to the Collectorate then these funds are collected and after that——

Mr. SPEAKER: You are supplying information.

Mr. NIHARENDU DUTT-MAZUMDAR: Sir, the first part of the question may be answered, namely, will he be pleased to explain what is the procedure of collecting funds?

Mr. SPEAKER: The question was not split up.

Mr. NIHARENDU DUTT-MAZUMDAR: The question may be split up.

Mr. SPEAKER: This is the disadvantage of putting too many questions together.

Mr. NISHITHA NATH KUNDU: Will the Hon'ble Minister be pleased to state if it is a fact that the renewal of licences was refused to the licencees because they refused to pay?

Mr. K. NASARULLA: Government does not know it.

Mr. MIHIR LAL CHATTOPADHYAYA: Is the Hon'ble Minister aware that it is a common grievance of the licence-holders that they are made to pay donations at the time of the renewal of gun licences?

Mr. SPEAKER: This question does not arise after the reply of the honourable member that contributions are voluntary.

Mr. MUHAMMAD HABIBULLAH CHAUDHURY: Will the Hon'ble Minister be pleased to state whether the public of Murshidabad supported this measure?

(No answer.)

Mr. BIMAL CHANDRA SINHA: Will the Hon'ble Minister be pleased to state whether any other member of the public contributed anything?

Mr. SPEAKER: That does not come within the purview of the question.

Mr. BIMAL CHANDRA SINHA: Will the Hon'ble Minister be pleased to state how much of this sum came from the Muslim gun licence-holders and how much from Hindu gun licence-holders?

Mr. K. NASARULLA: It is a new question to me and I want notice.

Mr. MIHIR LAL CHATTOPADHYAYA: Is the Hon'ble Minister aware that grievances are made that these realisations are made from time to time when guns are issued?

Mr. K. NASARULLA: No, Sir.

Mr. MUHAMMAD HABIBULLAH CHAUDHURY: Will the Hon'ble Minister be pleased to state how many of the gun licence-holders are zemindars and mahajans?

Mr. K. NASARULLA: That is a question of detail.

Collective fines in Calcutta.

*202. **Mr. RAMHARI ROY:** Will the Hon'ble Minister in charge of the Home Department be pleased to lay on the Table a statement showing—

(*a*) the amount of collective fines imposed on the—

(*i*) Hindu, and

(*ii*) Muslim

inhabitants of Calcutta in connection with Calcutta riot;

(*b*) the number of—

(*i*) Hindus, and

(*ii*) Muslims

on whom such collective fines have been imposed;

(*c*) how much have been realised from the Hindus and how much from the Muslims;

(*d*) the highest amount so imposed on a Hindu and the highest amount so imposed on a Muslim; and

(*e*) the amount, if any, imposed on other communities?

Mr. K. NASARULLA (on behalf of the Hon'ble Mr. H. S. Suhrawardy): (*a*)(*i*) Rs. 4,16,500.

(*ii*) Rs. 2,24,500.

(*iii*) Muslims and non-Muslims—Rs.41,000.

(*b*) Cannot yet be reported as the census is being taken.

(*c*) Realisations stayed due to High Court reference from Dacca.

(*d*)(*i*) On a Hindu—Rs.10,935.

(*ii*) On a Muslim—Rs.1,409.

(*e*) The amount cannot be furnished until census and apportionment are completed.

Mr. BADIUZZAMAN MUHAMMAD ILIAS: With reference to answer (*a*)(*iii*) will the Hon'ble Minister be pleased to explain why there is this answer? There is no question like that.

Mr. K. NASARULLA: It is a printing mistake. I realise it now.

Mr. BIMAL COMAR CHOSE: It is not a printing mistake. It gives the fines imposed on both Hindus and Muslims living in mixed localities.

Mr. K. NASARULLA: Yes, that is so.

Mr. BIMAL CHANDRA SINHA: Will the Hon'ble Minister be pleased to state the reason for discrimination as regards maximum amount of fine imposed on a Hindu and that imposed on a Muslim as answered in (*d*)(*i*) and (*d*)(*ii*)?

Mr. K. NASARULLA: It must be that the Hindus are the richer section and the Muslims are the poorer section.

Mr. BIMAL CHANDRA SINHA: Will the Hon'ble Minister be pleased to state the basis on which collective fines are levied?

Mr. K. NASARULLA: I think it is based on the union rate paid by them.

Mr. BIMAL CHANDRA SINHA: Will the Hon'ble Minister be pleased to state if it is a fact that if collective fines are assessed on this basis, the real culprits are not hit?

Mr. K. NASARULLA: That is a question of opinion.

Mr. BIMAL CHANDRA SINHA: With reference to answers (*a*)(*i*) and (*a*)(*ii*), will the Hon'ble Minister be pleased to state why there has been so much difference? Is it because of the fact that the Hindus are richer or because Hindus, in spite of being the poorer section, are assessed more heavily?

Mr. K. NASARULLA: Hindus have not been assessed more heavily.

Mr. NIHARENDU DUTT-MAZUMDAR: Will the Hon'ble Minister be pleased to state how many petitions he has received from Hindus who have protested against undue levy of such penal taxes?

Mr. K. NASARULLA: I want notice.

Mr. NIHARENDU DUTT MAZUMDAR: Will the Hon'ble Minister pleased to state whether the Hindus of these localities have complained to Government about gross and unfair communal discrimination made by Government in the matter of levying of taxes?

Mr. K. NASARULLA: I want notice.

Mr. BIMAL CHANDRA SINHA: Will the Hon'ble Minister be pleased to state as to what action Government took, if any, on petitions received jointly from Hindus and Muslims that no incidents have taken place in their localities and as such no collective fines should be imposed?

Mr. K. NASARULLA: I want notice.

Mr. A. T. MAZHARUL HAQUE: Will the Hon'ble Minister be pleased to state whether the case that was referred from Dacca has been decided?

Mr. SPEAKER: That question does not arise.

Mr. A. T. MAZHARUL HAQUE: It does arise, Sir.

Mr. SPEAKER: How?

Mr. A. T. MAZHARUL HAQUE: Because the answer is: "Realisations stayed due to High Court reference from Dacca." We are entitled to know what is the result of that reference, so that we may get more idea.

Mr. SPEAKER: You may put a fresh question for that.

Mr. BADIUZZAMAN MUHAMMAD ILIAS: With reference to answers (*a*) (*i*) and (*ii*), is the Hon'ble Minister aware that harm and injustice has been done to Muslims in the matter of imposing fines as it was not done in accordance with the population basis in Calcutta?

Mr. K. NASARULLA: That is a matter of opinion.

Mr. MIHIR LAL CHATTOPADHYAYA: With reference to answer (*d*)(*i*), will the Hon'ble Minister be pleased to state what is the name of the Hindu who has been assessed Rs.10,935 as punitive tax?

Mr. K. NASARULLA: I want notice.

Mr. NIHARENDU DUTT-MAZUMDAR:: Will the Hon'ble Minister be pleased to state what is the particular type of incident on which this levy of Rs.10,000 and odd was necessitated from this particular Hindu?

Mr. K. NASARULLA: It is a matter of detail and I want notice.

Mr. NISHITHA NATH KUNDU: With reference to answer (*c*), in view of the fact that the Hon'ble High Court of Calcutta has given a decision on the reference, will the Hon'ble Minister be pleased to state if any realisation has been made in Calcutta in respect of collective fines after that date?

Mr. K. NASARULLA: As soon as we receive the decision of the High Court, we will consider it.

Mr. BIMAL CHANDRA SINHA: Will the Hon'ble Minister be pleased to state if Government does not consider it prejudging the issue by levying collective fines and thus prejudicing the enquiry of the Riot Enquiry Commission?

Mr. K. NASARULLA: No, Sir.

Mr. MIRZA ABDUL HAFIZ: Will the Hon'ble Minister be pleased to state whether it is a fact that a large part of Calcutta is populated by Hindus?

Mr. K. NASARULLA: The population of Calcutta city consists of a majority of Hindus.

Mr. BIMAL COMAR GHOSE: With reference to answer (*c*), will the Hon'ble Minister be pleased to state if he is aware that the demands for payment of collective fines are still being made in Calcutta?

Mr. K. NASARULLA: I want notice.

Mr. MUHAMMAD HABIBULLAH CHAUDHURY: Will the Hon'ble Minister be pleased to state what was the principle which was followed in imposing collective fines on individuals?

Mr. K. NASARULLA: The principle was the capacity of a person who can pay the amount.

Mr. BIMAL CHANDRA SINHA: Will the Hon'ble Minister be pleased to state if the principle that has been adopted, namely, the capacity to pay is really in equal proportion to the ability to commit wrong?

Mr. K. NASARULLA: Both are matters of opinion.

Number of deaths and abductions of women during Noakhali disturbances.

***203. Mr. BEJOY KRISHNA SARKAR:** Will the Hon'ble Minister in charge of the Home Department be pleased to state—

(*a*) the number of deaths in the districts of Tippera and Noakhali during the last communal riot (stating the number of deaths of each community);

(*b*) the number of females including minor girls that were abducted during the said riot;

(*c*) whether it is a fact that some of those abducted females have not yet been rescued; and

(*d*) if so, the number of such females?

Mr. K. NASARULLA (on behalf of the Hon'ble Mr. H. S. Suhrawardy): (*a*)

Noakhali.

	Hindus.	Muslims.
Rioting	178	..
Police and military firing ..	..	42

Tippera.

Rioting	38	2
Police and military firing ..	1 (constable).	23

(*b*) Noakhali 3

Tippera 5

(*c*) Noakhali—Yes.

Tippera—No.

(*d*) Noakhali—1.

Tippera—Does not arise.

Dr. SURESH CHANDRA BANERJI: Will the Hon'ble Minister be pleased to state from which source these figures were collected?

Mr. K. NASARULLA: From Government official source.

Mr. BIMAL CHANDRA SINHA: Will the Hon'ble Minister be pleased to state if these figures are collected from the reports by Mr. Simpson and Mr. Gupta?

Mr. K. NASARULLA: I have said Government official source.

Mr. BIMAL CHANDRA SINHA: Will the Hon'ble Minister be pleased to state whether it is a fact that in their reports these two officers appointed by the Government of Bengal have reported otherwise?

Mr. K. NASARULLA: No, Sir.

Mr. BIMAL CHANDRA SINHA: Will the Hon'ble Minister be pleased to state if Government desire to publish the reports of the said two officers appointed to make enquiries into these specific matters?

Mr. SPEAKER: That question does not arise.

Mr. MUHAMMAD HABIBULLAH CHAUDHURY: Is the Hon'ble Minister aware that the Muslims killed by the army and the police—bulk of them—are innocent persons?

Mr. SPEAKER: That is a matter of opinion.

Mr. BIJOY KRISHNA SARKAR: With reference to answer (*a*), will the Hon'ble Minister be pleased to state how many of them are minor?

Mr. K. NASARULLA: I want notice.

Mr. BIJOY KRISHNA SARKAR: With reference to answer (*b*), will the Hon'ble Minister be pleased to state what steps are being taken to rescue the ladies?

Mr. K. NASARULLA: Every attempt is being made.

Mr. DHIRENDRA NATH DATTA: Is it a fact that Mr. R. Gupta was appointed to enquire into this matter so far as Noakhali is concerned and Mr. Simpson was appointed in respect of Tipperah?

Mr. K. NASARULLA: Yes, Sir.

Mr. DHIRENDRA NATH DATTA: Will the Hon'ble Minister be pleased to tell us whether they submitted any reports?

Mr. K. NASARULLA: They have.

Mr. DHIRENDRA NATH DATTA: Will the Hon'ble Minister be pleased to state whether these figures are based on the reports of Mr. R. Gupta and Mr. Simpson?

Mr. K. NASARULLA: I have said Government officials' report plus other sources.

Mr. DHIRENDRA NATH DATTA: That is the reports of Mr. R. Gupta and Mr. Simpson?

Mr. K. NASARULLA: I want notice.

Mr. DHIRENDRA NATH DATTA: Will the Hon'ble Minister consider the desirability of laying on the table the reports of Mr. Gupta and Mr. Simpson?

Mr. K. NASARULLA: No, Sir.

Mr. NIHARENDU DUTT-MAZUMDAR: Will the Hon'ble Minister be pleased to state whether he is aware that in the Noakhali riots many of the dead bodies of Hindus were carried away by the rioters and they have not been recovered?

Mr. K. NASARULLA: I am not aware of that.

Mr. NIHARENDU DUTT-MAZUMDAR: Will the Hon'ble Minister be pleased to state whether these figures were culled from the report drawn up by Mr. R. Gupta, I.C.S., on behalf of Government, or from any other report?

Mr. K. NASARULLA: I have answered that.

Mr. Md. ABDUS SALAM: Is the Hon'ble Minister aware that almost all the firing in the Tippera district was unjustified?

Mr. K. NASARULLA: That is a matter of opinion.

Mr. NISHITHA NATH KUNDU: Will the Hon'ble Minister be pleased to give reasons for not laying on the table the reports of the officers who were at the initiation of Government appointed to enquire into the affairs?

Mr. K. NASARULLA: As soon as Government find it necessary to lay them on the table, they will do it.

Mr. MUHAMMED HABIBULLAH CHAUDHURY: Will the Hon'ble Minister be pleased to state how many cases of abduction of women have been filed up till now in the districts of Tippera and Noakhali?

Mr. K. NASARULLA: I want notice.

Dr. SURESH CHANDRA BANERJEE: Will the Hon'ble Minister be pleased to state what has been the decision of Government with regard to the report submitted by Messrs. Simpson and Gupta? Does the Government consider the report to be correct?

Mr. K. NASARULLA: Government is considering the report.

Mr. NISHITHA NATH KUNDU: Will the Hon'ble Minister be pleased to state what steps he proposes to take to rescue the girls who are still in the hands of abductors.

Mr. K. NASARULLA: I have already answered that every attempt is being made to rescue the abducted girls.

Mr. SURESH CHANDRA DAS GUPTA: মাননীয় মন্ত্রী মহাশয় অনুগ্রহ করে বলবেন কি যে এই Questionএর (b) উত্তরে বলা হয়েছে—নোয়াখালী ও ত্রিপুরাতে মেয়েদের abduct করা হয়েছে, সেই মেয়েদের খুঁজে বের করবার এখন পর্যন্ত কোন চেষ্টা করা হচ্ছে কিনা?

Mr. K. NASARULLA: I have already answered that question.

Mr. BIJOY KRISHNA SARKAR: Will the Hon'ble Minister be pleased to state if there was any forced marriage of these abducted girls.

Mr. K. NASARULLA: I would ask for notice.

Mr. MAJIBAR RAHMAN: With reference to answer (*a*), where the number of deaths is shown as 42 Muslims, will the Hon'ble Minister be pleased to state if he is aware that all these 42 Muslims were shot dead by the Hindu Police and Military?

Mr. K. NASARULLA: As I have said they were shot dead by the Police and Military, but I do not know to which community do the Police or the Military belong.

Mr. MAJIBAR RAHMAN: Will the Hon'ble Minister be pleased to state if Government is aware that these Muslims were shot dead when there was absolutely no riot or anything of the sort?

Mr. K. NASARULLA: I am not aware of this.

Mr. HARIPADA CHATTERJEE: Will the Hon'ble Minister be pleased to state the number of persons who have been burnt alive?

Mr. K. NASARULLA: Sir, I think this question does not come within the scope of the main question.

Mr. A. T. MAZHARUL HAQUE: Is the Government aware that 50 per cent. of the cases that were started in Noakhali and Tippera have been finally reported and proved to be false after investigation?

Mr. K. NASARULLA: Many cases were found to be false.

Mr. Md. ABDUS SALAM: Will the Hon'ble Minister be pleased to state whether Government is making any enquiry into the firing?

Mr. K. NASARULLA: Every case of police firing is being enquired into.

Mr. BIJOY KRISHNA SARKAR: Will the Hon'ble Minister be pleased to state if the dead bodies found during the tour of Mahatma Gandhi are included in the figures shown in the answer?

Mr. K. NASARULLA: Yes

Mr. BIMAL CHANDRA SINHA: Will the Hon'ble Minister be pleased to state whether the report submitted by Muslim officers or officers of a particular community are absolutely false and in view of the conflicting reports, does the Government consider it desirable to appoint a Commission of Enquiry for these disturbances also?

Mr. K. NASARULLA: Government do not think that their officers' reports are false.

Mr. HARIPADA CHATTERJEE: Will the Hon'ble Minister be pleased to state the number of persons who were burnt alive?

Mr. K. NASARULLA: I have already answered that question.

Mr. MAJIBAR RAHMAN: Will the Hon'ble Minister be pleased to state if he is aware that almost all the cases with regard to riots in Noakhali were fabricated in the Congress and the Hindu Mahasabha Camps?

Mr. K. NASARULLA: How can I say that?

Mr. MIRZA ABDUL HAFIZ: Will the Hon'ble Minister be pleased to state if it is a fact that the police and the military firing resulting in the death of 23 persons in Tippera took place not during the riots but afterwards?

Mr. K. NASARULLA: The total number is given from the beginning to the end of the riots.

Mr. MD. ABDUS SALAM: Is the Hon'ble Minister aware that about one thousand cases were instituted against Hindu police and military at Chandpur?

Mr. K. NASARULLA: Many cases have been instituted against the police and the military.

Mr. NIHARENDU DUTT-MAZUMDAR: With reference to the last question, will the Hon'ble Minister be pleased to enlighten the House whether in the district of Noakhali any riots took place or any Hindus were murdered by the Muslim mob and hooligans?

Mr. SPEAKER: That question does not arise.

Mr. BIJOY KRISHNA SARKAR: Will the Hon'ble Minister be pleased to state whether some converted girls were forced to marry their cousin brothers?

Mr. K. NASARULLA: I want notice.

Mr. NIHARENDU DUTT-MAZUMDAR: Will the Hon'ble Minister be pleased to state in view of his answer that he is not aware of the number of deaths occasioned by people being burnt alive or the number of dead bodies carried away by rioters, the figure given is far from accurate?

Mr. K. NASARULLA: Mr. Mazumdar is not correct in his version.

Appointment of Lawyer-Magistrates.

***204. Mr. KRISHNA PRASAD MANDAL:** Will the Hon'ble Minister in charge of the Home Department be pleased to state—

(*a*) whether Lawyer-Magistrates were appointed after they were selected by the Public Service Commission;

(*b*) what is the total number of such Magistrates and the number representing Scheduled Castes and other communities;

(*c*) whether the term of their appointment has expired;

(*d*) if so, whether they are serving on extension of terms;

(*e*) how many times extensions were granted;

(*f*) whether the Government contemplate making these appointments permanent;

(*g*) if not, what consideration Government will make in getting them absorbed in permanent vacancies in Judicial Department or other departments of the Government;

(*h*) whether the Hon'ble Minister is aware of the pressure of work of Lawyer-Magistrates and other trying Magistrates; and

(*i*) if so, whether Government are considering the desirability of absorbing these Lawyer-Magistrates in the permanent cadre?

Mr. HAMIDUDDIN AHMED (on behalf of the Hon'ble Mr. H. S. Suhrawardy): (*a*), (*c*), (*d*) and (*h*) Yes.

(*b*) Total number—102.

Comprising of—

Muslims	...	44
Caste Hindus	...	47
Scheduled Castes		11
Total		102

(*e*) Thrice.

(*f*) The matter is under consideration.

(*g*) Does not arise

(*i*) The matter is under consideration

Mr. RAJENDRA NATH SARKAR: Will the Hon'ble Minister be pleased to state why Communal Ratio Rules have not been followed in cases of Scheduled Caste appointments?

Mr. HAMIDUDDIN AHMED: Because suitable candidates belonging to the Scheduled Caste community could not be found.

Mr. RAJENDRA NATH SARKAR: Will the Hon'ble Minister be pleased to state why Government showed such callousness and indifference in filling up the communal quota?

Mr. HAMIDUDDIN AHMED: Government is making every attempt to fill up the communal quota. (Cries of "No attempt made" from the Muslim League Benches.) Every attempt is being made to fill up the quota but the Public Service Commission could not find suitable and required number of candidates.

Mr. MIRZA ABDUL HAFIZ: That is all bogus.

Mr. Md. ABDUS SALAM: Will the Hon'ble Minister be pleased to state if he is aware that the Public Service Commission always gives out that suitable Muslim candidates are not available, but that is not the fact, and does the Hon'ble Minister admit that this is true?

Mr. HAMIDUDDIN AHMED: No, the Public Service Commission has already been asked to nominate some more Muslims and they have done so. Government is considering the question of making some more appointments.

Mr. RAJENDRA NATH SARKAR: Will the Hon'ble Minister be pleased to state when the consideration of the question will be final.

Mr. HAMIDUDDIN AHMED: It will be final very soon.

Mr. RAJENDRA NATH SARKAR: How long will it take?

Mr. HAMIDUDDIN AHMED: I cannot give the exact time.

Mr. RAJENDRA NATH SARKAR: Will the Hon'ble Minister be pleased to state when this consideration has started?

Mr. HAMIDUDDIN AHMED: Since the first extension was given.

Mr. RAJENDRA NATH SARKAR: Will the Hon'ble Minister be pleased to state for what period was the last extension made?

Mr. HAMIDUDDIN AHMED: I have nothing further to add.

Mr. NISHITHA NATH KUNDU: With reference to answer (*a*), will the Hon'ble Minister be pleased to state how and when they are going to absorb these lawyer-magistrates permanently?

Mr. HAMIDUDDIN AHMED: The question of absorbing them in some service or other or making them permanent, all these questions are under the consideration of Government.

Mr. SURESH CHANDRA DAS GUPTA: মাননীয় মন্ত্রী মহাশয় দয়া করে বলবেন কি বাংলাদেশের বিভিন্ন আদালতে Scheduled Casteএর কতজন উকিল ওকালতি করেন?

Mr. HAMIDUDDIN AHMED: I want notice.

Mr. SURESH CHANDRA DAS GUPTA: যাঁরা ওকালতি করেন তাদের তুলনায় সরকারী চাকরী যথেষ্ট দেওয়া হয়েছে কিনা?

Mr. HAMIDUDDIN AHMED: It is a matter of opinion.

Mr. SURESH CHANDRA DAS GUPTA: মাননীয় মন্ত্রীমহাশয়, এই "Matter of opinion" শব্দটির অর্থ বাংলায় ভাল করে জানিয়ে দেবেন কি?

Mr. HAMIDUDDIN AHMED: আমার বন্ধুর মত I am not so much learned in Bengali.

(Loud laughter from the Congress benches.)

Partition of Mymensingh district.

***205. Mr. MUHAMMAD ISRAIL:** (*a*) Will the Hon'ble Chief Minister in charge of the Chief Minister's (General Administration) Department be pleased to state whether it is a fact that the Rowlands Enquiry Committee recommended partition of the district of Mymensingh for administrative reasons?

(*b*) If the answer to (*a*) is in the affirmative, will the Hon'ble Minister be pleased to state what steps have been taken to give effect to such recommendations?

Mr. HAMIDUDDIN AHMED (on behalf of the Hon'ble Mr. H. S. Suhravardy): (*a*) Yes.

(*b*) The matter is under consideration.

Mr. AMULYA CHANDRA ADHIKARI: In view of the answer (*a*) will the Hon'ble Minister be pleased to state how the district will be divided if the scheme of partition materialises?

Mr. HAMIDUDDIN AHMED: The question of partition is under the consideration of Government, not the way in which the district is to be partitioned but the very principle of partition is under the consideration of Government.

Mr. AMULYA CHANDRA ADHIKARI: Will the Hon'ble Minister be pleased to state how long it will take the Government to come to a decision? Is it before the partition of Bengal or after it?

Mr. HAMIDUDDIN AHMED: The question of the partition of Bengal should not be brought in here. But the partition of the district of Mymensingh along with some other districts is under the consideration of Government. It is already in the scheme, but the question of finance stands in the way.

Mr. MANORANJAN DHAR: When will the scheme of partition materialise?

Mr. HAMIDUDDIN AHMED: As soon as the financial position of the Government is strong enough

Mr. MANORANJAN DHAR: In view of the agitation for the partition of Bengal, does the Government propose to pursue the matter still?

Mr. HAMIDUDDIN AHMED: The question of the partition of Bengal does not come in, and the question of the partition of districts has no bearing to the question of the partition of Bengal.

Mr. NIHARENDU DUTT-MAZUMDAR: Will the Hon'ble Minister be pleased to state if he is aware that the portions of the district of Mymensingh towards the north, north-east and the east wish to have themselves constituted into a separate area and should therefore be excluded for joining the Union of India?

Mr. HAMIDUDDIN AHMED: Government is not aware of any such proposal, but if there is any it is in the imagination of my friend.

Mr. NIHARENDU DUTT-MAZUMDAR: Will the Hon'ble Minister be pleased to state whether Government has made any enquiry with regard to the wishes of the people of these portions of the district?

Mr. HAMIDUDDIN AHMED: It is in the imagination of the very few agitators who are opposed to the Government

Mr. NIHARENDU DUTT-MAZUMDAR: Will the Hon'ble Minister be pleased to state, if the number of agitators opposed to the Government increased, whether Government will be pleased to exclude those portions of the district from the scheme of partition of the Mymensingh district?

Mr. HAMIDUDDIN AHMED: That will be considered when the number of agitators will increase, and it will depend on the volume of agitation.

Mr. SPEAKER: All these questions show that the members themselves may be agitators. (Laughter.)

Mr. NIHARENDU DUTT-MAZUMDAR: In view of the fact that a large number of people of the Mymensingh district are clamouring for going to Assam, will the Hon'ble Minister be pleased to consider the question of attaching the district to Assam?

Mr. HAMIDUDDIN AHMED: It is not a fact, and so the question of attaching any portion of the district of Mymensingh to Assam does not come in.

Mr. MUHAMMAD HABIBULLAH CHAUDHURY: Will the Hon'ble Minister be pleased to state if some of the inhabitants of Mymensingh district want to go to Assam will he object to it?

Mr. HAMIDUDDIN AHMED: No.

Mr. NIHARENDU DUTT-MAZUMDAR: Will the Hon'ble Minister be pleased to state whether it is the policy of the Government to encourage the people of Mymensingh to go to Assam?

Mr. HAMIDUDDIN AHMED: The whole province will be——

Mr. SPEAKER: You need not reply to this. This question does not come within the scope of the main question.

Mr. NIHARENDU DUTT-MAZUMDAR: Sir, are you justified in suppressing an honourable member when he wants to answer the question?

Mr. SPEAKER: There is no question of suppression. I cannot allow any discussion which does not conform to the rule.

Mr. NIHARENDU DUTT-MAZUMDAR: Sir, the people of my district are being suppressed but an honourable member belonging to Mymensingh may not be suppressed.

Mr. MIRZA ABDUL HAFIZ: Will the Hon'ble Minister be pleased to state the reason why no step has yet been taken by the Government of Bengal with regard to the partition of the district of Mymensingh since the date of the publication of the report of the Rowlands Committee?

Mr. HAMIDUDDIN AHMED: I have already stated that Government is very sympathetic over this question and Government feels the desirability of partitioning it, but the financial position of the Government is not strong enough to give effect to the scheme.

Mr. NIHARENDU DUTT-MAZUMDAR: Is Government taking into consideration the revenue and the prospects of development of Mymensingh district in connection with the administrative question of partitioning the district?

Mr. HAMIDUDDIN AHMED: Everything will be decided when the question will be finally taken up.

UNSTARRED QUESTIONS

(answers to which were laid on the table)

Suspension of realisation of debts from cultivators in distress and famine condition.

71. Dr. SURESH CHANDRA BANERJEE: (*a*) Will the Hon'ble Minister in charge of the Co-operation, Credit and Relief Department be pleased to state whether it is a fact—

(*i*) that during the year which ended with the 31st December, 1945, there were in Bengal three crores and fifty-one lakhs of applications to the Debt Conciliation Board with regard to debt of eighty crores of rupees;

(*ii*) that the majority of the applicants are poor cultivators, artisans and lower middle class people who incurred a large part of this debt during the terrible famine of 1943;

(*iii*) that distress and famine conditions are again prevalent in Bengal; and

(*iv*) that the poor cultivators, artisans and lower middle class people are most involved?

(*b*) If the answer to (*a*) is in the affirmative, does the Hon'ble Minister propose declaring a total moratorium prohibiting realisation of any debt so long as the present famine condition persists?

MINISTER in charge of the CO-OPERATION, CREDIT and RELIEF DEPARTMENT (the Hon'ble Mr. A. F. M. Abdur Rahman): (*a*)(*i*) and (*ii*) No; debts incurred on or after 1st January, 1940, do not come within the purview of the Bengal Agricultural Debtors Act.

(*iii*) Distress prevails in certain areas in Bengal

(*iv*) Yes, in the affected areas only.

(*b*) Does not arise

Dr. SURESH CHANDRA BANERJEE: Will the Hon'ble Minister be pleased to state whether the answer to (*a*)(*i*) alone is affirmative or not, viz., whether there have been so many applications pending before the Debt Conciliation Board under the Bengal Agricultural Debtors Act?

The Hon'ble Mr. A. F. M. ABDUR RAHMAN: The answer is there.

Dr. SURESH CHANDRA BANERJEE: I am sure the answer is not correct, and therefore I ask whether it is in the affirmative or not.

The Hon'ble Mr. A. F. M. ABDUR RAHMAN: I have nothing further to add.

Mr. BIMAL CHANDRA SINHA: Sir, I think the question has not been properly answered. The question is, whether on a particular date there were so many cases pending, but the reply is that debts after a particular date do not come under the purview of the Act. The question is a quite different one. The debts might have been incurred long before 1940 but the point is whether the applications were still pending in 1940. We want to know whether the reply to the question is "Yes" or "No". But the answer is not covered by the reply given.

The Hon'ble Mr. A. F. M. ABDUR RAHMAN: The answer to (*a*)(*i*) and (*ii*) covers the points, and I have said "No".

Mr. BIMAL CHANDRA SINHA: But does this answer "No" indicate that there were no applications pending?

Mr. SPEAKER: The natural inference is that there were not three crores and fifty-one lakhs of applications pending. Not that no applications were pending but that this particular number of applications were not pending.

Dr. SURESH CHANDRA BANERJEE: Will the Hon'ble Minister be pleased to state the number of applications pending in the year 1943?

The Hon'ble Mr. A. F. M. ABDUR RAHMAN: I ask for notice.

Dr. SURESH CHANDRA BANERJEE: Did not the Hon'ble Minister, having received this question, think it necessary that he should give the correct information in the House. I might have been wrong but the

Government ought to have furnished the correct information. It was easier for Government to collect actual number of cases pending. I got it from somewhere that there were so many applications pending. So if I was wrong, the Hon'ble Minister should have corrected me.

Mr. SPEAKER: You can put supplementary question, but you cannot give any reason.

Dr. SURESH CHANDRA BANERJEE: Will the Hon'ble Minister be pleased to state if the figure furnished by me is wrong?

The Hon'ble Mr. A. F. M. ABDUR RAHMAN: Yes, it is wrong.

Dr. SURESH CHANDRA BANERJEE: What is the correct figure?

The Hon'ble Mr. A. F. M. ABDUR RAHMAN: The latest figures so far available are 3,419,373 and 1,524,363 cases were pending in 1945.

Mr. MUHAMMAD HABIBULLAH CHAUDHURY: Will the Hon'ble Minister be pleased to state the names of the areas where distress prevails?

The Hon'ble Mr. A. F. M. ABDUR RAHMAN: I ask for notice.

Dr. SURESH CHANDRA BANERJEE: In view of the answer given by the Hon'ble Minister will he be pleased to state, with reference to answer (*b*), if he will declare a total moratorium to the debtors in view of the conditions prevailing in the country?

The Hon'ble Mr. A. F. M. ABDUR RAHMAN: Although it is not possible for Government to declare a moratorium, we have given agricultural loan, gratuitous relief and post-war unemployment relief and also house-building grants at very liberal scales.

Mr. BIMAL CHANDRA SINHA: Will the Hon'ble Minister be pleased to state if it is a fact that in spite of repeated applications made by the local people for suspension of realisation of such loans, loans were realised by Government in some cases by force?

The Hon'ble Mr. A. F. M. ABDUR RAHMAN: I have no such information.

Mr. BIMAL CHANDRA SINHA: Will the Hon'ble Minister be pleased to state if it is not a fact that a complaint of this nature was received from the people of Malangapara in the subdivision of Basirhat in 1946?

The Hon'ble Mr. A. F. M. ABDUR RAHMAN: I shall enquire into the matter. So far as realisation is concerned, it is not within the purview of this department but it is under the Revenue Department.

Dr. SURESH CHANDRA BANERJEE: Will the Hon'ble Minister be pleased to state whether it is a fact that Government gave relief with one hand and realised loans with the other from some people?

The Hon'ble Mr. A. F. M. ABDUR RAHMAN: I do not think so.

Mr. MUHAMMAD HABIBULLAH CHAUDHURY: Will the Hon'ble Minister be pleased to state why he asks for notice to give the names of the areas where distress prevails?

Mr. SPEAKER: That is clear because it is not known to him.

Re-employment of retired Government officers.

72. Mr. MAJIBUR RAHMAN: Will the Hon'ble Minister in charge of the Chief Minister's (Establishment) Department be pleased to state—

(*a*) the present number of retired Government officers reappointed in different departments;

(*b*) the number of them that are—

(*i*) Muslims, and (*ii*) Hindus;

(*c*) the salaries of those officers (including their pension, if any);

(*d*) the number of Government officers whose terms of service have been extended; and

(*e*) their present emoluments?

MINISTER in charge of the CHIEF MINISTER'S DEPARTMENT (the Hon'ble Mr. H. S. Suhrawardy): (*a*) Two hundred and ninety-three.

(*b*) (*i*) Forty-nine.

(*ii*) Two hundred and thirty-one.

(*c*) to (*e*) The statements laid on the Table will explain the position.

The figures given above are in respect of re-employed personnel whose pay *plus* pension exceeds Rs 174 per mensem The figures relating to re-employed personnel whose pay *plus* pension does not exceed Rs 174 per mensem are not available and their collection will involve an amount of time and labour quite incommensurate with their value.

Statements referred to in reply to clauses (c) to (e) of unstarred question No. 72.

Department.	Number of re-employed officers.	Community.	
		Hindu.	Muslim.
(1) Chief Minister's Department	33	23	10
(2) Finance Department	0	0	0
(3) Public Health and Local Self-Government Department	8	7	1
(4) Co-operation, Credit and Relief Department	5	4	1
(5) Land and Land Revenue Department	18	12	6
(6) Home Department	80	65	15
(7) Judicial and Legislative Departments	1	1	0
(8) Agriculture, Forests and Fisheries Department	7	4	0
(9) Works and Buildings Department	5	5	0
(10) Irrigation and Waterways Department	9	9	0
(11) Commerce, Labour and Industries Department	1	1	0 0
(12) Education Department	4	2	1
(13) Civil Supplies Department	122	98	15
Grand Total	293	231	49

Serial No.	Department.	Name of officers	Designation.	Hindu.	Muslim.	Pay *plus* pension.	Date of first re-employment.	If terms of service have been extended.	Date of termination of the existing period of re-employment.	Present emoluments.
1	2	3	4	5	6	7	8	9	10	11
						Rs.				Rs. a.
1	Chief Minister's (Development).	Rai Sahib B. C. De	Assistant Secretary ..	H	..	600 (which was the last pay).	April, 1943	Yes ..	28-2-1947 ..	600 0
2	Chief Minister's (Publicity).	Nil .	Nil	.	..	....	.	..	....	....
3	Chief Minister's (Organisations and Methods).	Nil ..	....	..	..	....	..	..	....	....
4	Chief Minister's (General Administration).	Babu Anadi Ranjan Basu	Deputy Magistrate ..	H	..	1,000	6-10-1941	Yes .	5-10-1946 ..	1,000 0
		Maulvi Mustafizur Rahman.	Ditto .	..	M	850	6-10-1941	Yes ..	5-10-1946 .	850 0
		Babu Anath Bandhu Roy	Ditto ..	H	..	550	30-10-1941	Yes .	29-10-1946 .	550 0
		Khan Bahadur Waliul Islam.	Ditto .	..	M	1,000	19-5-1943	Yes ..	18-5-1946 ..	1,000 0
		*Rai Sahib Hiralal Roy .	Ditto ..	H	..	550	27-8-1943	Yes ..	26-8-1946 ..	550 0
		Babu Birendra Mohan Ghosh.	Ditto .	H	..	850	16-4-1944	Yes ..	15-4-1946 ..	850 0
		Babu Jogesh Ch. Chowdhury.	Ditto .	H		850	30-5-1944	Yes .	29-11-1946 ..	850 0
		Babu Hriday Ranjan Sen	Ditto .	H	.	1,000	21-2-1944	Yes ..	20-8-1946 .	1,000 0
		Babu Kanti Ch Mukherjee	Ditto	H		850	6-9-1944 ..	Yes ..	5-9-1946 .	850 0
		Babu Prafulla Ch Das Gupta.	Personal Assistant to the Commissioner of Presidency Division	H		1,000	2-3-1945	Yes .	2-9-1946 ..	1,000 0
		Babu Sushil Ch Dutta	Deputy Magistrate	H		700	17-2-1945	Yes ..	16-8-1946 ..	700 0
		Rai Sahib Mriganka Bhusan Roy.	Ditto	H		750	30-12-1945	Yes ..	29-6-1946 ..	750 0
		Khan Bahadur Fazlur Rahaman.	Ditto	.	M	600	19-7-1945	..	18-7-1946 ..	600 0
		Babu Aswini K Maitra	Ditto .	H		750	22-3-1945	.	21-3-1946 ..	750 0

		Maulvi Azizur Rahaman	Ditto ..	..	M	750	19-3-1946	..	17-9-1946 ..	750 0
		Babu Monoranjan Chowdhury	Ditto ..	H	..	600	22-1-1946	..	21-7-1946 ..	600 0
		Maulvi Quazi Safiuddin Ahmed	Sub-Deputy Collector .	..	M	400	16-2-1942	Yes ..	15-2-1947 ..	400 0
		Maulvi Abdul Azim .	Ditto .	.	M	350	17-11-1943	Yes	16-11-1946 ..	350 0
		Maulvi A. F M Muhammad	Ditto .	.	M	450	7-1-1944 ..	Yes ..	6-1-1947 .	450 0
		Babu Gyan Ranjan Mukherjee.	Ditto ..	H		450	4-9-1944 ..	Yes ..	3-9-1946 ..	450 0
		Babu Birendra Lal Gupta	Ditto	H		400	4-9-1944	Yes .	3-9-1946 .	400 0
		Babu Jatindra Krishna Ghosh.	Ditto .	H		450	4-9-1944	Yes .	3-9-1946 .	450 0
		Maulvi Abdul Gafur	Ditto		M	450	17-10-1944	Yes .	16-10-1946 .	450 0
		Babu Umesh Ch Sil .	Ditto .	H		400	16-12-1944	Yes	15-12-1946	400 0
		Maulvi Akbar Hossain Ahmad.	Ditto .	.	M	450	15-2-1945	.	14-2-1946 ..	450 0
		Babu Satyendra Nath Ray	Ditto .	H	.	450	13-3-1945	..	12-3-1946	450 0
		†Babu Nalini Kumar Das Gupta.	Ditto	H		450	4-6-1945		3-6-1946 .	450 0
		Babu Kshetra Mohan Mondal	Ditto .	H	.	450	2-10-1945	.	1-10-1946 .	450 0
		Babu Jnan Ch. Chakravarty.	Ditto ..	H		450	17-2-1946	..	16-8-1946 .	450 0
		Babu Ashutosh Das Gupta.	Ditto ..	H		400	16-1-1946	..	15-7-1946 ..	400 0
		Maulvi Md Ismail .	Ditto ..	.	M	400	16-1-1946	..	15-7-1946 ..	400 0
5	Health and Local Self-Government.	Babu Narayandas Mukherjee	Personal Assistant to Chief Officer, Calcutta Fire Brigade.	H		250	1-4-1942	Yes ..	Will terminate on the date of termination of the temporary A F S. Organisation	250 0
6	Director of Public Health.	Nil .	. .		.	. . .	..	..	....	....

*Extension of term for a further period of six months is under consideration and in the meanwhile the officer has been retained in service.

†Further extension is under consideration, meanwhile he has been retained in service.

Serial No.	Department.	Name of officers	Designation	Hindu	Muslim	Pay *plus* pension	Date of first re-employment	If terms of service have been extended	Date of termination of the existing period of re-employment.	Present emoluments.
1	2	3	4	5	6	7	8	9	10	11
						Rs				Rs a.
7	Public Health Branch.	Rai S. C. Ghosh Bahadur	Executive Engineer, Mechanical Division	H	.	775	17-6-1943	Yes .	Will continue in the post till a suitable candidate is selected by the Public Service Commission who have already invited applications for the post	775 0
8	Co-operation, Credit and Relief	Babu Manmohan Ghosh	Head Assistant, Co-operative Branch	H	..	400	24-7-1945	Yes ..	28-2-1947 ..	400 0
		Babu Priya Kanta Roy	Assistant Registrar of Co-operative Societies	H		250	16-10-1945	.	15-10-1946	250 0
		Mr Abdul Hamid	Divisional Auditor, Co-operative Societies		M	280	30-3-1946		29-6-1946 ..	280 0
		Babu Rajani Kanta Sirkar	Upper Division Assistant, Relief Co-ordination Office	H		270	18-3-1946		28-2-1947	270 0
		Babu Hiralal Ghosh	Lower Division Assistant, Office of the R Ch O, Assistant, Calcutta	H	.	200	22-10-1943	Yes	28-2 1947	200 0
9	Land and Land Revenue	Babu S. P Sirkar	Assistant Secretary to the Government of Bengal	H		1,150	1-3-1946		31-8-1946 .	1,150 0
		Babu Lalit Mohan Laha	Surveyor and Valuer (for work in connection with requisition of properties under the Defence of India Rules).	H		320	4-3-1942	Yes	31-8-1946	320 0
		Babu Jitendra Nath Chakraborty	Ditto	H		350	8-8-1945	Yes	31-8-1946	350 0
		Babu Bilash Chandra Roy	Head Clerk (for work in connection with requisition of properties under the Defence of India Rules)	H		175	24-8-1945	Yes .	31-8-1946	175 0

10	Legislative ..	Ray Manmohan Mukherjee	Special Officer .	H	.	1,250	22-10-1945	Yes	21-10-1946 .	1,250 0
11	Finance ..	Nil	..		.		.	..		....
12	Home (Transport)	Babu Amulya Kumar Sen	Supervising Officer, Office of the Deputy Commissioner, Detective Department, Lalbazar	H		201-10	14-2-1944	Yes	30-9-1946 .	201 10
		Rai Sahib Shyamapada Chatterjee	Ditto	H		410	12-10-1945	Yes	30-9-1946	410 0
13	Judicial	Nil	.	..	.	.				.
14	Works and Buildings	Rai Sahib J. C. Guha	Executive Engineer	H		950	15-11-1945	Yes	14-11-1946	950 0
		Rai Sahib Panchanan Ghosh	Overseer (acting as Subdivisional Officer, No. I Subdivision)	H	..	325	2-10-1945		1-10-1946	325 0
		Rai Sahib Lalit Mohan Ganguly	Overseer (acting as Subdivisional Officer, No. II Subdivision)	H	.	285	16-4-1945		10-11-1946 .	285 0
		Babu Ramesh Ch. Mukherjee	Head Assistant in the Office of Special Officer, Roads	H		220	1-3-1943	Yes .	28-2-1947	220 0
		Babu Manmotha Nath Bosu	Second Grade Clerk in the Office of Special Officer, Roads	H	..	224-2	1-6-1943	Yes	28-2-1947 .	224 2
		Babu Srish Ch. Chatterjee	Estimator in the Office of Special Officer, Roads	H		180	16-9-1944	Yes	28-2-1947 ..	180 0
15	Chief Ministers (Common Services)	Babu Nil Krishna Mukherjee	Reader .	H		195	8-1-1946		30-9-1946 ..	195 0
16	Home (Evacuees) ..	Rai B. B. Sircar Bahadur M.B.E.	Special Officer, Evacuees, and Deputy Secretary to the Government of Bengal, Home Department	H		1,850	22-7-1943	Yes	30-9-1946 .	1,850 0
		Maulvi Md. Illahdad	Special Officer ..		M	375	20-12-1943	Yes	30-9-1946 ..	375 0
		Rai M. M. Chakraborty Bahadur	Assistant Evacuee Officer	H		537	7-7-1944	Yes	30-9-1946 .	537 0
		Babu Amarendra Nath Ghose	Assistant Upper Division	H		250	19-7-1944	Yes	30-9-1946 .	250 0
		Babu Rebati Raman Barua	Special Officer for Evacuees, Chittagong	H		750	19-11-1943	Yes .	30-9-1946 ..	750 0
		Babu Surendra Mohan Mitra.	Special Officer for Evacuees, Tippera	H		700	4-9-1943	Yes	30-9-1946 ..	700 0

Serial No.	Department.	Name of officers	Designation	Hindu	Muslim	Pay *plus* pension	Date of first re-employment	If terms of service have been extended	Date of termination of the existing period of re-employment.	Present emoluments.
1	2	3	4	5	6	7	8	9	10	11
						Rs				Rs. a.
17	Commerce, Labour and Industries.	Babu Rampada Mukherjee.	Special Accountant in the Office of the Commissioner for Workmen's Compensation.	H	..	260	1-6-1946 ..	..	31-8-1946 ..	260 0
18	Health and Local Self-Government (Medical)	*Dr Dhirendra Nath Mitra.	Teacher of Midwifery, Dacca.	H	..	Pay and pension exceeds Rs 175 per mensem The exact amount is not known.	16-4-1944	..	31-5-1946 ..	175 0
		†Dr. Jatindra Nath Sen Gupta.	Assistant Surgeon, Tamluk Subdivision.	H	..	Ditto ..	16-10-1945	..	31-5-1946 ..	165 0
		Dr Ramesh Ch. Chakraborty	Teacher of Surgery, Ronaldshay Medical School, Burdwan	H	..	Ditto .	16-2-1946	..	31-5-1946 ..	175 0
		Dr. Ram Mohan Chakraborty	Assistant Apothecary, Campbell Hospital, Calcutta	H	..	Ditto ..	22-5-1944	Yes ..	He was re-employed until further orders for his relief have already been issued.	175 0
		Khan Bahadur Dr. Bazlul Hasan.	Medical Officer, Munshiganj Subdivision.	..	M	Ditto .	13-4-1944	Yes ..	Ditto ..	175 0
		Babu Surendra Ch Sen Gupta	Office Superintendent Medical Resettlement Bureau, Bengal.	H	..	Pay *plus* pension Rs. 300 recommended to Government; order not received	16-3-1946	..	The question of his relief is under consideration of Government.	300 0
		Babu Akshoy Narayan Mitra	Personal Assistant to Deputy Surgeon (Auxiliary Government Hospital), Bengal.	H	..	850	7-9-1944	Yes ..	31-8-1946. He has been asked to resign on ground of health.	850 0
19	Home (Political) ..	Babu Amarendra Nath Ghosh.	Upper Division, Assistant.	H	..	250	19-7-1944	Yes ..	30-9-1946 ..	250 0
		Babu Pravas Ch. Bose	Assistant .	H	..	185	16-10-1944	Yes ..	20-2-1947 ..	185 0
		Rai Sahib Lalit Mohan Ganguly	Subdivisional Officer, Government House, Darjeeling.	H	..	285	16-4-1945	.	1-12-1946 ..	285 0 (The pension of the officer has not been sanctioned.)

		Rai Sahib Panchanan Ghosh.	Subdivisional Officer, Government House, Calcutta.	H		325	2-10-1945		1-10-1946 ..	325 0 (The pension has not been sanctioned yet. Approximate figure has been given.)
20	Home (Defence) ..	Babu B. B. Ganguly .	Accounts Officer, Calcutta, A. R. P	H		640	1-4-1943	Yes	31-10-1946 .	640 0
		Mr. J. Paul .	A. R. P. Depot Superintendent, Calcutta.	H		300	14-4-1942	Yes	31-10-1946	300 0
		Babu Pravash Basu ..	Assistant in charge of the office of the P. S. S and A. R., Bengal	H	..	185	16-10-1943	Yes	Will continue 3 or 4 years, if not more.	185 0
		Babu Jadu Nath Das Gupta	Head Clerk, A. R. P Office, 24-Parganas	H		225	1-5-1943	Yes	31-10-1946	225 0
21	Home (Police)	Rai Bidya Nath Chatterjee Bahadur.	Deputy Commissioner, Police	H		800	2-2-1942	Yes	28-2-1947	800 0
		Rai Sahib Binode Behari Banerjee.	Chief Law Instructor, Police Training School	H		371-4	12-10-1944	Yes .	31-8-1946	371 4
		Rai Sahib Shyamapada Chatterjee	Sub-Inspector, Detective Department.	H	..	361-14	12-10-1945	.	30-9-1946	361 14
		Babu Amulya Krishna Sen.	Ditto.	H	.	201-10	14-2-1944	Not given	.	201 10
		Babu R. P. Chatterjee	Stenographer-*cum* clerk, Security	H	..	277 2	3-4-1945 .	Yes ..	28-2-1947	277 2
22	Chief Minister's (Constitutions and Elections).	Nil .	.	.		. .	.	..		.
23	Education	Mr. K. Zakaria .	Planning Adviser to Education Directorate.		M	2,600	18-3-1946	.	18-3-1947	2,600 0
		Babu Bhupendra Nath Maitra	Professor of Geology, Presidency College	H		500	1-7-1945		Till Babu Monmohan Chatterjee is declared fit by Medical Officer and he actually resumes his duties	500 0

*Moved for further extension.

†Order for relief has already been issued.

Serial No.	Department.	Name of Officer.	Designation.	Hindu.	Muslim	Pay plus pension	Date of first re-employment	If terms of service have been extended	Date of termination of the existing period of re-employment	Present emoluments.
1	2	3	4	5	6	7	8	9	10	11
						Rs.				Rs. a.
		Khan Bahadur Riza Ali Wahshat	Lecturer in Persian, Lady Brabourne College.		M ..	292-8	17-8-1942	..	Till a suitable candidate is available	292 8
		Mrs Bibhubala Bakshi	Head Mistress, Vidyamoyee Girls' School, Mymensingh	H	..	450 (Pension not yet fixed)	1-3-1946	..	12-5-1946 ..	450 0
		Miss M. Mamgain ..	Head Mistress, Sakhawat Memorial High School for Muslim girls, Calcutta	Anglo		250 (Pension not yet fixed)	7-4-1946	..	27-7-1946 ..	250 0
24	Agriculture, Forests and Fisheries.	Babu S L. Sen Gupta	Superintendent of Agriculture, Army Vegetable Scheme	H	.	400	22-8-1944	Yes	31-8-1946 .	400 0
		Babu P K Biswas .	Principal, Daulatpur Agriculture Institute	H		250 (Exclusive of pension)	15-1-1945	Yes	14-1-1948 ..	250 0 (Exclusive of Pension)
		Mr E A Modder	Special Forest Officer	E	..	1,850	17-4-1946	Renewable for 5 years subject to physical fitness	....	1,850 0
		Babu R N Bose	Statutory Veternary Assistant Surgeon, Burdwan	H		182	20-4-1944	Yes	20-4-1946	182 0
		Mr. H. Thomas	General Manager, Cinchona Plantation	E		1,020	5-7-1944	Yes .	5-7-1946 ..	1,020 0
		Mr. G Holl .	Assistant Manager .	E	.	490	13-11-1945	Yes	12-11-1946 ..	490 0
		Babu J M Dhar .	Security Officer	H		585	20-4-1944	Yes ..	20-4-1947 ..	585 0
25	Board of Revenue .	Roy Srimanta Das Gupta	Superintendent, Development Area, Kalimpong	H	.	325-10 *plus* a special pay of Rs 150 *plus* a pension of Rs 424-6	21-7-1945	Yes ..	20-7-1947 ..	900 0
		Rai Sahib Surendra Nath Roy.	Officer-in-charge, Bengal Traverse Party and Bengal Drawing Office	H	..	800	16-5-1946	..	15-5-1947 ..	800 0

		Babu Parameswar Sanyal	Settlement Kanungo	H	..	180	1-5-1946 ..	..	31-8-1946 ..	180 0
		Babu Hemendra Nath Basu.	Ditto	H	.	180	20-11-1945	..	20-11-1946 ..	180 0
		Khan Bahadur Ataur Rahaman	Manager, Murshidabad Estate		M .	1,000	August 1946		No period of re-employment has been mentioned in their appointment orders These officers are not paid from the Provincial revenues	Pay will be fixed at an amount which together with this pension will equal the pay drawn at the time of retirment
		Khan Bahadur Ali Azam	Chief Manager, Dacca Nawab Estate		M	Not mentioned	July 1946	..		
		Khan Bahadur Md Mamud	Adviser, Court of Wards, Bengal		M	1,092 (excluding pension)	22-11-1944	..	31-8-1946 ..	1,092 0 (excluding pension)
		Babu Dwijendra Nath Banerjee	Temporary Upper Division Assistant, Board of Revenue	H		350	1-6-1946	..	31-5-1947	
		Maulvi Muzaffar Ali	Agricultural Income-tax Officer		M	325	6-8-1945	..	To remain in service until relieved by the appointment of a direct recruitment through Public Service Commission	....
		Rai Bahadur J M Ghosh	Special Officer, Agricultural Income-tax	H		Not mentioned	1-8-1945		31-7-1946 (He has not been re-employed for any further term) He has left the job.	....
		Babu Monmohan Banerjee	Inspector of Excise (Drugs Control)	H		230	30-8 1944	Yes .	15-9-1946 .	Pay on re-employment, *i.e.*, last pay drawn by the officer. His pension has not yet been sanctioned.
		Babu Surendra Kumar Das Gupta	Superintendent of Excise (temporary)	H	.	650	16-6-1946	..	15-12-1946 ..	Ditto.
		Maulvi Khandakar Shamsuddin	Head Assistant, Calcutta Rent Control Office		M	378-9	21-7-1946		30-9-1946 ..	....
26	Home (Police) (Enforcement.)	Rai P M Chakrabarty Bahadur, I P.	Additional Superintendent of Police	H		975	24-4-1944	Yes .	28-2-1947 ..	975 0 Under order of transfer to Midnapore.
		Khan Sahib A. Khan	Additional Superintendent of Police, Mymensingh		M .	650	24-4-1944	Yes .	28-2-1947 ..	650 0

Serial No.	Department.	Name of Officer	Designation.	Hindu.	Muslim.	Pay plus pension.	Date of first re-employment.	If terms of service have been extended	Date of termination of the existing period of re-employment.	Present emoluments.
1	2	3	4	5	6	7	8	9	10	11
						Rs.				Rs. a.
		Rai M. C. Sarkar Bahadur	Additional Superintendent of Police, Bakarganj.	H	..	975	21-4-1946	..	28-2-1947 ..	975 0 Pay and pension not fixed.
		Rai J. M. Kar Bahadur	Additional Superintendent of Police, 24-Parganas.	H	.	650	24-4-1944	Yes .	28-2-1947 .	650 0
		Rai Sahib H. C Sengupta	Additional Superintendent of Police, Dacca.	H	..	650	24-4-1944	Yes .	28-2-1947 .	650 0
		Rai Sahib Nalin Ch Sarkar.	Deputy Superintendent of Police, Head Quarters	H		425	1-6-1944	Yes ..	28-2-1947 ..	425 0
		Babu Sukdeb Sarkar	Deputy Superintendent of Police, Bankura.	H	..	485	15-9-1944	Yes ..	28-2-1947 .	485 0
		Babu Kiriteswar Roy Choudhury.	Deputy Superintendent of Police, Birbhum	H	.	445	29-5-1944	Yes .	28-2-1947 ..	445 0
		Babu Annada Prasanna Ghosh.	Deputy Superintendent of Police, Burdwan	H		425 Last pay drawn	1-7-1946	.	28-2-1947 ..	425 0 Pay and pension not yet fixed.
		Rai Sahib Suresh Ch Sen	Deputy Superintendent of Police, Howrah.	H		525	16-5-1944	Yes ..	28-2-1947 ..	525 0 Pay and pension not yet fixed.
		Rai Sahib Radha Binode Ray.	Deputy Superintendent of Police, Hooghly.	H	.	423-15	24-9-1945	Yes .	28-2-1947 ..	423 15
		Babu Jogendra Kanta Ghatak.	Deputy Superintendent of Police, Murshidabad	H		335	10-5-1944	Yes .	28-2-1947 ..	335 0 Since submitted letter of resignation. Pending with Government.
		Babu Jitendra Nath Sen	Deputy Superintendent of Police, Jessore.	H		425	10-5-1944	Yes .	28-2-1947 ..	425 0
		Babu Panchanan Das ..	Deputy Superintendent of Police, Rangpur.	H	.	425	10-5-1944	Yes ..	28-2-1947 ..	425 0 Since submitted letter of resignation. Pending with Government.

	Khan Sahib Basiruddin Sarkar.	Deputy Superintendent of Police, Jalpaiguri		M	400	16-5-1946	..	28-2-1947	..	400 0 Pay and pension not yet fixed.
	Rai Sahib Chinta Haran Mukhuti.	Deputy Superintendent of Police, Bogra	H		134-3	9-10-1945	Yes ..	....		134 3 Pay not yet fixed by Accountant-General, Bengal. Government have accepted his resignation. The order is under issue.
	Babu Sachindra Nath Jha	Deputy Superintendent of Police, Malda	H		425	1-7-1944	Yes ..	28-2-1947	.	425 0
	Maulvi Qazi Azharuddin Ahmad	Deputy Superintendent of Police, Faridpore		M	425	10-5-1944	Yes .	28-2-1947	.	425 0 Government have since accepted his resignation. The order is under issue.
	Babu Jatindra M. Sen Gupta.	Deputy Superintendent of Police, Tippera.	H	.	405	15-5-1944	Yes ..	28-2-1947	.	405 0
	Khan Bahadur Buzlur Rahaman.	Deputy Superintendent of Police, Noakhali.		M	465	26-5-1944	Yes .	28-2-1947	.	465 0
	Babu Monmatha Nath Sanyal.	Deputy Superintendent of Police, Sealdah.	H		425	4-10-1945	Yes ..	28-2-1947	..	425 0
	Maulvi Jawadul Karim	Inspector, Headquarter	.	M	350	25-6-1945	Yes .	28-2-1947	..	350 0
	Babu Madhab Ch Routh	Ditto	H	.	325	16-5-1945	Yes ..	28-2-1947	..	325 0
	Babu Bhubon Mohan Bose.	Inspector, Sealdah	H		325	25-5-1944	Yes .	28-2-1947	..	325 0
	Babu Suresh Ch. Das Gupta	Inspector, Noakhali	H		200	4-7-1944	Yes ..	28-2-1947	..	200 0
	Maulvi Nurul Amin .	Ditto		M	200	27-7-1944	Yes ..	28-2-1947	..	200 0
	Maulvi Abdul Gafur	Inspector, Tippera .		M	200	17-7-1944	Yes ..	28-2-1947	..	200 0
	Babu Suresh Ch Choudhury.	Ditto	H		350	1-8-1944	Yes .	28-2-1947	..	350 0
	Maulvi Abdul Halim Khan.	Inspector, Chittagong		M	350	11-7-1945	Yes ..	28-2-1947	..	350 0
	Khan Sahib Abdul Azim Khan.	Inspector, Bakarganj	.	M	350	1-6-1944	Yes ..	28-2-1947	..	350 0
	Babu Debendra Nath Sen	Inspector, Bakarganj .	H	.	350	18-9-1944	Yes ..	28-2-1947	..	350 0

Serial No.	Department.	Name of Officer.	Designation.	Hindu.	Muslim.	Pay pens pens on.	Date of first re-employment.	If terms of service have been extended.	Date of termination of the existing period of re-employment.	Present emoluments.
1	2	3	4	5	6	7	8	9	10	11
						Rs.				Rs. a.
		Maulvi Miyan Muhammaduddin.	Inspector, Faridpur ..		M	350	27-6-1944	Yes ..	28-2-1947 ..	350 0
		Babu Purna Ch. Chakravarty.	Inspector, Mymensingh	H	..	350	28-8-1944	Yes ..	28-2-1947 ..	350 0
		Babu Joges Ch. Gupta	Inspector, Dacca ..	H	..	200	1-3-1945	Yes ..	28-2-1947 ..	200 0
		Babu Matilal Day	Ditto ..	H		325	1-7-1944	Yes ..	28-2-1947	325 0
		Babu Lal Singh Subba	Inspector, Darjeeling ..	H		350	4-9-1944	Yes ..	28-2-1947 ..	350 0
		Babu Sheo Paltan Singh	Ditto ..	H	..	200	16-5-1945	Yes ..	28-2-1947 ..	200 0
		Babu Sailesh Ch. Bhoumik.	Inspector, Malda .	H	..	275	25-7-1944	Yes ..	28-2-1947 ..	275 0
		Babu Amrita Lal Guha	Ditto ..	H	..	275	14-8-1944	Yes ..	28-2-1947 ..	275 0
		Babu Priya Mohan Ghosh	Inspector, Jalpaiguri	H	.	200	28-7-1944	Yes ..	28-2-1947 ..	200 0
		Babu Motilal Sen ..	Ditto .	H	..	300	24-8-1944	Yes ..	28-2-1947 ..	300 0
		Babu Tarak Nath Bhattacharjee.	Inspector, Rangpur ..	H	.	350	24-5-1944	Yes ..	28-2-1947 ..	350 0
		Babu Dwijendra Ch. Ghosh.	Ditto ..	H	..	350	3-1-1945	Yes ..	28-2-1947 ..	350 0
		Babu Ramdas Maitra ..	Inspector, Rajshahi .	H	.	325	1-4-1945	Yes ..	28-2-1947 ..	325 0
		Babu Prafulla Gopal Sen Gupta	Inspector, Khulna .	H	..	250	6-7-1946	..	28-2-1947 ..	250 0 Pay and pension not yet fixed.
		Babu Ramendra Nath Nandi.	Ditto	H	.	325	12-5-1944	Yes ..	28-2-1947	325 0
		Maulvi Kobad Husain	Inspector, Jessore	..	M	200	1-7-1944	Yes ..	28-2-1947 ..	200 0
		Babu Narendra Nath Ghosh	Inspector, 24-Parganas	H	.	350	18-5-1944	Yes ..	28-2-1947 ..	350 0 Under order of discharge, services retained in the interest of cases investigated by him.

		Babu Jatindra K. Majumdar.	Ditto ..	H	..	350	4-12-1945	Yes ..	28-2-1947 ..	350 0	
		Babu Mohini Mohan Sen	Ditto .	H		200	18-5-1944	Yes .	28-2-1947 ..	200 0	Under order of discharge, services retained in the interest of pending cases investigated by him.
		Babu Nalini Bhusan Sen Gupta.	Inspector, Midnapore	H		200	28-6-1944	Yes .	28-2-1947 ..	200 0	
		Babu Satyendra Nath Chatterjee.	Inspector, Hooghly	H		350	29-4-1946	Yes	28-2-1947 .	350 0	
		Babu Promoda Charan Das.	Inspector, Howrah	H		401	11-4-1946	Yes .	28-2-1947 .	401 0	
		Babu Phani Bhusan Gupta.	Ditto	H		300	26-5-1944	Yes .	28-2-1947	300 0	
		Babu Sarat Ch. Chakravarty	Ditto .	H		350	17-5-1944	Yes	28-2-1947 .	300 0	Under order of discharge, services retained in the interest of pending cases investigated by him.
		Babu Bhaba Kali Banerji	Inspector, Birbhum ..	H	.	350	1-7-1945	Yes ..	28-2-1947 ..	350 0	
		Maulvi Kaosar Ali Khan	Ditto .	.	M	200	8-7-1944	Yes ..	28-2-1947 ..	200 0	
		Babu Saradindu Chatterji	Head C1, 24-Parganas	H		215	17-7-1944	Yes ..	28-2-1947 ..	215 0	
		Babu Bani Kanta Bhattacharji	Handwriting Expert, (Hony D S. P., C. I. D.).	H	..	350	16-2-1946	Yes ..	15-2-1947 ..	350 0	
27	Irrigation and Waterways Department.	Mr. Devendra Nath Sen Gupta.	Superintending Engineer, South-Western Circle	H		2,150	4-5-1945	Yes ..	Last sanction expired on 3-5-1946. Question of extension of the period of re-employment is under consideration.	...	
		Babu Jogesh Chandra Dutta.	Executive Engineer, Naria River Division.	H		875	5-10-1944	Yes ..	28-2-1947 ..	875 0	
		Babu Joy Kumar Sarkar	Executive Engineer, Canals Division.	H	..	850	31-7-1944	Yes ..	28-2-1947 ..	850 0	
		Babu Angsujit Mukherjee	Executive Engineer, Damodar Division.	H		900	4-8-1944	Yes ..	28-2-1947 ..	900 0	
		Rai Sahib Dhanapati Mandal.	Executive Engineer, More Construction, Division III.	H	..	500	1-2-1945	Yes ..	28-2-1947 ..	500 0	

Serial No.	Department.	Name	Designation.	Hindu.	Muslim.	Pay *plus* pension.	Date of first re-employment.	If terms of service have been extended.	Date of termination of the existing period of re-employment.	Present emoluments.
1	2	3	4	5	6	7	8	9	10	11
						Rs.				Rs. a.
		Rai Sahib Jogendra Sankar Dhar.	(i) S. D. O., Damodar Canal Subdivision No. III, from 12-2-1944 to 14-2-1946.	H	..	450	12-12-1944	Yes ..	Last sanction expired on 28-2-1946. Question of extension of period of re-employment under consideration.	....
			(ii) Executive Engineer, Damodar Canal Division, from 15-2-1946	..	..	Not yet fixed.				
		Babu Lalit Mohan Dutta	Overseer, S. D. O., Barisal Subdivision.	H	..	310	3-11-1944	Yes ..	31-10-1946 ..	310 0
		Babu Jatindra Nath Bhattacharji.	Overseer, S. D. O., Bankura Subdivision.	H	..	310	30-8-1945	Yes ..	28-2-1947 ..	310 0
		Babu Jyotsnamoy Sen Gupta.	Overseer ..	H	..	195	11-12-1945	Yes ..	10-12-1946 ..	195 0
28	Directorate of Rationing, Bengal.	*Rai Nepal Chandra Sen Bahadur, O B E.	Director of Rationing, Bengal.	H	..	2,050	1-5-1944	Yes ..	28-2-1947 ..	2,050 0
		Rai Nripendra Ch. Bose Bahadur.	Special Officer, Directorate of Rationing.	H	..	1,258	1-6-1945	Yes ..	28-2-1947 ..	1,258 0
		Mr. Jamini Mohan Banerjee.	Special Officer, Liaison	H	..	460	15-2-1944	Yes ..	28-2-1947 ..	460 0
		Mr. Umesh Ch. Seal .	Assistant Controller of Rationing (Book-keeping).	H	..	400	6-12-1944	..	6-12-1946 ..	400 0
		Mr. Pravat Ch. Dutt ..	Assistant Controller of Rationing (Government Store).	H		330-12	13-6-1945	Yes ..	28-2-1947 ..	330 12
		Mr. Nani Gopal Goswami	Assistant Controller of Rationing (Establishment).	H	..	190	19-2-1944	Yes ..	28-2-1947 ..	190 0
		Mr. Dwijendra Kumar Dutta.	Rationing Officer ..	H	..	675	22-9-1943	Yes ..	28-2-1947 ..	675 0
		Rai Bahadur Nelson Charles Bose.	Ditto ..	A	..	600	20-9-1943	Yes ..	28-2-1947 ..	600 0
		Maulvi Nefazuddin Khan	Ditto ..	..	M	483-5	22-9-1943	Yes ..	28-2-1947 ..	483 5
		Mr. Nagendra Nath Mazumder.	Ditto ..	H	..	Pay not yet fixed. Pension Rs. 290-12.	8-2-1946	Yes ..	28-2-1947 ..	290 12

	Rai Sahib Hari Mohan Bose.	Ditto ..	H	..	746-7	7-2-1944	Yes ..	28-2-1947	..	746 7
	Mr. Upendra Mohan Bose	Ditto ..	H	..	694	23-1-1944	Yes .	28-2-1947	..	694 0
	Syed Ali Ahmed ..	Ditto .		M	500	15-10-1945	Yes	28-2-1947	..	500 0
	Mr. Srinath Neogi ..	Ditto ..	H	.	500	7-2-1944	Yes .	28-2-1947	..	500 0
	Mr. Upendra Nath Sen Gupta	Ditto ..	H		500	17-2-1944	Yes ..	28-2-1947	..	500 0
	Rai Sahib Basudev Kaviraj	Ditto .	H		440	15-2-1944	Yes .	28-2-1947	..	440 0
	Mr. Abdas Sobhan ..	Ditto		M	399-13	22-9-1943	Yes ..	28-2-1947	..	399 13
	Mr. Umesh Ch Banerjee	Ditto	H		250	23-1-1944	Yes .	28-2-1947	..	250 0
	Rai Bahadur Bijoy Ch Sengupta	Ditto	H		800	16-5 1944	Yes .	28-2-1947	.	800 0
	Rai Sahib Sakti Bhusan Roy	Office Superintendent .	H	.	620	9-12-1943	Yes ..	28-2-1947	..	620 0
	Mr C J Deefholts .	Officer in-charge, Card Index	A		591	20-10-1943	Yes .	28-2-1947	..	591 0
	Mr Pramatha Nath Chatterjee.	Superintendent, Index Card Section	H	..	349-14	3-1-1944	Yes ..	28-2-1947	..	349 14
	Mr. Nagendra Nath Bose	Permit Officer ..	H	..	319-7	24-4-1946	Yes ..	28-2-1947	..	319 7
	Mr. T M. Own ..	Head Clerk (Es.) ..	A	.	300	1-11-1943	Yes ..	28-2-1947	..	300 0
	Mr Abdul Hamid	Permit Officer, Dacca Town Rationing.	.	M	257	1-11-1943	Yes .	28-2-1947	..	257 0
	Mr. Nibaran Mukherjee	Supervisor (L & L) .	H	.	285	28-2-1946	..	28-2-1947	..	285 0
	Rai Sahib Abi Bhusan Chatterjee.	Permit Officer ..	H		500	25-11-1943	Yes .	28-2-1947	..	500 0
	Mr Abani Mohan Roy	Chief Accountant .	H	.	270	8-2-1945	Yes ..	28-2-1947	..	270 0
	Mr. Manmatha Singha	Superintendent, Dacca Town Rationing	H		254-14	7-5-1946	Yes ..	28-2-1947	..	254 14
	Mr Sarba Bijoy Roy Choudhury.	Assistant Rationing Officer	H	.	250	2-4-1945	Yes ..	28-2-1947	..	250 0
	Mr. Jitendra Nath Sen	Ditto ..	H	..	195	13-5-1944	Yes ..	28-2-1947	..	195 0
	Mr. L. C Barman ..	Ditto .	H	..	195	16-5-1946	..	28-2-1947	..	195 0
	Mr. Kali Prasanna Roy	Senior Clerk ..	H	..	190	4-2-1944	Yes ..	28-2-1947	..	190 0

*Already left the Department.

Serial No.	Department.	Name of officer.	Designation.	Hindu.	Muslim.	Pay *plus* pension.	Date of first employment.	If terms of service have been extended.	Date of termination of the existing period of re-employment.	Present emoluments.
1	2	3	4	5	6	7	8	9	10	11
						Rs.				Rs. a.
		Mr B M. W. Abdur Rahman.	Inspector ..	..	M	175	27-4-1944	Yes ..	28-2-1947 ..	175 0
		Mr Brojendra Nath Laha	Senior Clerk ..	H	..	230	5-1-1944	Yes ..	28-2-1947 ..	230 0
		Mr Nirod Ch. Mukherjee	Cordoning Officer ..	H	.	300	2-3-1946	..	Post sanctioned up to 28-2-1947 for the present.	300 0
		Maulvi A. K. Rashid ..	Ditto ..	.	M	300	1-6-1945	..	Ditto ..	300 0 Pension of Rs. 171-4 held in abeyance till he holds this post.
		Mr Debendra Kr Mazumder.	Head Clerk, office of the Deputy Regional Controller of Procurement, Khulna.	H	..	247-8	15-12-1943	..	Ditto ..	....
		Rai Sahib P. K. Dey ..	Section Superintendent, Receipt and Despatch Section	H	..	420	6-6-1945	Yes ..	28-2-1947 ..	420 0
		Mrs. H. Broughton ..	Stenographer in the office of the Manager, Civil Supplies, Calcutta Transport Fleet	A	..	200	25-4-1946	..	28-2-1947 ..	200 0
		Rai K Maitra Bahadur	Deputy Director-General of Enforcement, Calcutta	H	.	1,100	15-1-1945	Yes ..	28-2-1947 .	1,100 0
		Rai M Haldar Bahadur	Director of Inspection, Mufassal	H	.	1,900	23-2-1945	Yes ..	28-2-1947 ..	1,900 0
		Rai P. C. Ghosh Bahadur	Ditto ..	H		1,700	21-7-1945	Yes ..	28-2-1947 ..	1,700 0
		Rai B. B. Mukherjee Bahadur.	Director of Inspection Calcutta.	H	..	1,125-8	1-1-1946	Yes ..	28-2-1947 ..	1,125 8
		Khan Bahadur M. A Khaleque.	Divisional Enforcement Officer, Eastern Range (Dacca)	..	M	1,250	1-11-1945	Yes ..	28-2-1947 ..	1,250 0
		Mr. S. C. Ghosh	Assistant Director of Textiles Licensing (Calcutta).	H	..	325	12-3-1945	Yes ..	28-2-1947 ..	325 0

	Mr. H. F. P. Mahar ..	Chief Preventive Superintendent, Calcutta.	..	E	916-11	28-5-1946		28-2-1947 ..	916-11
	Mr. Bhuban Mohan Lahiri	District Enforcement Officer (Jalpaiguri)	H	..	850	18-8-1945	Yes .	28-2-1947 ..	850 0
	Mr. Abdul Karim ..	District Enforcement Officer (Khulna)		M	400	12-3-1945	Yes ..	28-2-1947 ..	400 0
	Mr Jogendra Kr Sen	Chief Preventive Officer (Calcutta)	H		360	22-9-1945	Yes .	28-2-1947 ..	360 0
	Mr. Jnan Ranjan Mitra	Office Superintendent (Retired Confidential Assistant to His Excellency the Governor of Bengal)	H	.	470	14-6-1944	.	31-10-1944 (Secretary, Strategic Branch, G. S. I.).	470 0
	Mr. Manmatha Nath Bose	Upper Division Assistant	H	.	189	1-12-1945	Yes	28-2-1947 ..	189 0
	Mr. S. K Mukherjee	Special Accounts Officer	H		605	28-9-1945	Yes ..	28-2-1947 ..	605 0
	Rai N. B Bhattacharjee Sahib	Budget Officer .	H		675	21-10-1945	Yes ..	28-2-1947 ..	675 0
	Mr P. C. Dutt ..	Retired Sub-Deputy Collector, Present Assistant Director of Finds, Civil Supplies Department	H		450	1-8-1945	Yes ..	31-5-1946 ..	450 0
	Mr D Ahmed .	Ditto ..	..	M	450	1-4-1946	Yes ..	31-5-1946 .	450 0
	Mr. Bhola Nath Chakravarty (Retired from Army Department Branch, Government of India).	Head Clerk (Clothing Office of C I Area D)	H		185	31-3-1944	..	31-5-1946 ..	185 0
	Mr. J. Stein, C I E ..	Chief Engineer, Construction	E	..	2,875	14-4-1944		31-5-1946 ..	2,875 0
	Rai Sahib M. Sen Gupta	Personal Assistant to Chief Engineer, (Construction)	H	.	1,000	12-5-1945	Yes ..	28-2-1947 ..	1,000 0
	Mr. S. Chatterjee .	Accounts	H		270	25-3-1945	Yes ..	28-2-1947 .	270 0
	Mr. A Chatterjee .	Joint Head Assistant	H	.	325	11-5-1945	Yes ..	28-2-1947 ..	325 0
	Mr B R Nag .	Ditto ..	H		309-15	8-10-1945	Yes	28-2-1947 ..	309 15
	Mr. G D Mukherjee	Accounts Officer	H	..	419-12	1-2-1946	..	28-2-1947 ..	419 12
	Rai Sahib P K. Dey	Personal Assistant to Chief Engineer, Civil Supplies Department	H		420	6-6-1945	Yes ..	28-2-1947 ..	420 0
	Maulvi Syed Ibni Hossein	Upper Division ..	.	M	225	1-6-1945	Yes ..	28-2-1947 ..	225 0
	Mr. Mohit Mohan Banerjee	Ditto ..	H	.	200	1-9-1945	Yes ..	28-2-1947 ..	200 0

Serial No.	Department.	Name of officer.	Designation.	Hindu	Muslim	Pay *plus* pension.	Date of first re-employment.	If terms of service have been extended.	Date of termination of the existing period of re-employment.	Present emoluments.
1	2	3	4	5	6	7	8	9	10	11
						Rs				Rs. a.
		Mr. Jiban Kr Banerjee	Inspector	H	..	292-7	25-5-1945	Yes ..	28-2-1947 ..	292 7
		Mr. Gobinda Lal Gupta	Upper Division	H	..	200	15-8-1945	Yes ..	28-2-1947 ..	200 0
		Rai N. N. Sen Gupta Bahadur.	Law Officer ..	H	.	1,700	2-1-1946	..	28-2-1947 ..	1,700 0
		Mr. Akshoy Kr Guha	Head Statistician ..	H	..	300	29-1-1945	Yes .	28-2-1947 ..	300 0
		Mr. Haradhan Mukherjee (retired employee of Calcutta Improvement Trust—drawing prior to retirement Rs. 175).	Upper Division ..	H	..	115	14-5-1946	..	28-2-1947 ..	115 0
		Mr. N. C. Ganguly (retired employee of East India Railway—drawing prior to retirement Rs. 120).	Ditto ..	H	..	115	16-11-1944	Yes ..	28-2-1947 ..	115 0
		Mr. K. L. Das Ghosh (Retired employee, E. I. Railway—drawing prior to retirement Rs. 148.	Upper Division Assistant	H	..	115	18-8-1945	Yes ..	28-2-1947 ..	115 0
		Mr. J. K. Ghosh (Retired employee of B. N. Railway—drawing prior to retirement Rs. 200).	Tracer ..	H	..	115	1-5-1945	Yes ..	28-2-1947 ..	115 0
		Mr. N. C. Nath (Retired employee of B. N. Railway—drawing prior to retirement Rs. 90).	Tracer .	H	..	115	1-5-1946	..	28-2-1947 ..	115 0
		Mr. S. N. Dutta (Retired employee of the Police Department).	Lower Division Assistant	H	..	116-15	18-8-1943	Yes ..	28-2-1947 ..	116 15
		Mr. H. Sur, O.B.E. .	Director, Stock Accounts.	H	.	1,991-11	16-4-1945	Yes ..	28-2-1947 ..	1,991 11
		Mr. K. D. Roy .	Assistant Director of Stock Accounts.	H	..	573	26-1-1943	Yes ..	28-2-1947 ..	573 0
		Mr. R. B. Das ..	Assistant Controller of Finance (Rice).	H	..	570	17-12-1943	Yes ..	28-2-1947 ..	570 0
		Mr. N. C. De .	Assistant Controller of Finance (Boat).	H		700	8-10-1944	Yes ..	28-2-1947 .	700 0
		Mr. Monomohan Banerjee	Head Assistant ..	H	.	325	28-7-1943	Yes ..	28-2-1947 ..	325 0
		Mr. Bholanath Sirkar	Accountant-in-charge (Central Stock).	H	.	473-14	1-2-1946	..	28-2-1947 ..	473 14

Mr. D. N. Banerjee ..	Inspecting Accountant	H	..	500	5-12-1946	..	28-2-1947	..	500	0
Mr. M. N. Roy Choudhury	Ditto	H	.	380	5-12-1946	..	28-2-1947	..	380	0
Mr. S. C. Chakravarty	Assistant .	H		215	1-10-1946	Yes ..	28-2-1947	..	215	0
Mr Nibaran Mukherjee	Supervisor (L. & L.) ..	H	.	285	28-2-1946	..	29-2-1947	..	285	0
Rai Sahib Ahi Bhusan Chatterji	Permit Officer	H		500	25-11-1943	Yes	28-2-1947	..	500	0
Mr. Abani Mohan Roy	Chief Accountant	H	..	270	8-2-1945	Yes ..	28-2-1947	..	270	0
Mr. Monmotha Singh .	Superintendent Dacca Town Rationing	H	..	254-14	7-5-1946	Yes .	28-2-1947	.	254	14
Mr. Sarbabijoy Roy Choudhury.	Assistant Rationing Officer	H	.	250	3-4-1945	Yes	28-2-1947	..	250	0
Mr. Jitendra Nath Sen	Ditto	H	.	195	13-5-1944	Yes ..	28-2-1947	..	195	0
Mr. L. C. Burman .	Ditto .	H	.	195	16-5-1946	Yes ..	28-2-1947	.	195	0
Mr. Kali Proshana Roy	Senior Clerk .	H	.	190	4-2-1944	Yes ..	28-2-1947	..	190	0
Mr. B. W. M. Abdul Rahman	Inspector .. .	M		175	27-4-1944	Yes ..	28-2-1947	..	175	0
Mr Brojendra Lal Laha	Senior Clerk .	H		230	5-1-1944	Yes ..	28-2-1947		230	0
Syed Ali Ahmed ..	Rationing Officer	M		600	15-10-1945	Yes .	28-2-1947	.	600	0
Mr. Sreenath Neogy .	Ditto ..	H	.	500	7-2-1944	Yes ..	28-2-1947	..	500	0
Mr. Upendral Nath Sen Gupta	Ditto ..	H	.	500	7-2-1944	Yes ..	28-2-1947	..	500	0
Rai Sahib Basudev Kaviraj	Ditto ..	H	.	440	15-2-1944	Yes ..	28-2-1947	..	440	0
Mr. Abdul Sobhan ..	Ditto ..	M		393-13	22-9-1943	Yes ..	28-2-1947	..	393	13
Mr. Umesh Ch Banerjee	Ditto ..	H		350	23-1-1944	Yes ..	28-2-1947	..	350	0
Rai Bahadur Bijoy Ch Sen Gupta	Ditto ..	H		800	16-5-1944	Yes .	28-2-1947	..	800	0
Rai Sahib Sakti Bhusan Roy.	Office Superintendent ..	H		620	[illegible]-12-1943	Yes ..	28-2-1947	..	620	0
Mr. C. J. Deefholts ..	Officer-in-charge, Card Index	..	E	591-3	2[illegible]-10-1943	Yes ..	28-2-1947	..	591	3
Mr. Promotha Nath Chatterjee.	Superintendent, Card Index Section	H	.	349-14	3-[illegible]-1944	Yes ..	28-2-1947	..	349	14
Mr. Nagendra Nath Bose	Permit Officer ..	H	..	319-7	24-[illegible]-1946	..	28-2-1947	..	319	7
Mr. T. M. Owen ..	Head Clerk (E. S.) ..		.	300	1-11-[illegible]43	Yes ..	28-2-1947	..	300	0
Mr. Abdul Hamid ..	Permit Officer, Dacca Town Rationing.	..	M	257	1-11-1[illegible]	Yes ..	28-2-1947	..	257	0

Mr. MIRZA ABDUL HAFIZ: *Will the Hon'ble Minister be pleased to state whether it is a fact that the retired Government officers were re-employed due to pressure of work of Government due to war?*

Mr. S. A. SALIM: Yes.

Mr. MIRZA ABDUL HAFIZ: As the war terminated some two years back, does the Government consider the desirability of accepting the principle of not re-employing the superannuated officers?

Mr. S. A. SALIM: The matter is under the consideration of Government.

Mr. BADIUZZAMAN MUHAMMAD ILIAS: Will the Hon'ble Minister be pleased to state the reasons for giving the superannuated persons extensions of service when there are so many young men available for such posts?

Mr. S. A. SALIM: Government are not giving re-appointments to these retired officers now but in the circumstances then prevailing they were forced to do so.

Mr. BADIUZZAMAN MUHAMMAD ILIAS: Will the Hon'ble Minister be pleased to state whether he is aware, with reference to his statement No. 2 under the head—Finance Department, that there is one Mr. H. K. Bhattacharjee who has had four terms of extension, although the answer given is that there is nobody?

Mr. S. A. SALIM: I ask for notice.

Mr. MAJIBUR RAHMAN: Will the Hon'ble Minister be pleased to state why, in view of the existing Communal Ratio Rules, there have been 49 Muslims as against 231 Hindus as will be found in the reply (*b*)(*i*) and (*ii*)?

Mr. S. A. SALIM: In view of the prevailing war conditions the officers who were then available were re-employed at that time and the Communal Ratio Rules were not observed then. It was done under section 93 regime.

Mr. MAJIBUR RAHMAN: Will the Hon'ble Minister be pleased to state whether the Communal Ratio Rules are a farce?

Mr. S. A. SALIM: No, Sir.

Mr. BADIUZZAMAN MUHAMMAD ILIAS: With reference to the statement—serial No. 23—Education, will the Hon'ble Minister be pleased to state when Mr. Zakaria was converted into Islam as it is stated in the statement?

Mr. S. A. SALIM: I think it is a misprint.

Mr. MUHAMMAD HABIBULLAH CHAUDHURY: Will the Hon'ble Minister be pleased to state how many retired officers are still unemployed?

Mr. SPEAKER: Mr. Salim, you need not answer that question.

Mr. S. A. SALIM: Some of the officers are still under employment but steps are being taken to see that no officer is being re-employed now.

Bengal's share from reparation payment by Germany to India.

73. Mr. BIMAL CHANDRA SINHA: (*a*) Will the Hon'ble Minister in charge of the Commerce, Labour and Industries Department be pleased to state whether the Government are aware that machinery and capital goods form a part of the reparation payment by Germany to India and these machinery and capital goods are now being made available to the different Indian Provinces?

(*b*) If the reply to (*a*) is in the affirmative, will the Hon'ble Minister be pleased to state whether the Government—

(*i*) have examined the list of such goods;

(*ii*) received any offer of any of those goods; or

(*iii*) tried to secure any of those goods as may be suitably utilised in this Province?

(*c*) Are Government aware that many units of the Wagner Trust of Germany are coming to India and are being given to Bihar?

(*d*) Do the Government intend to make any effort, by making representation to the Central Government or otherwise, to secure for Bengal those units of the said Wagner Trust which may profit this Province?

MINISTER in charge of the COMMERCE, LABOUR and INDUSTRIES DEPARTMENT (the Hon'ble Mr. Shamsuddin Ahmed): (*a*) to (*d*) The information is not available with this Government as the "reparation" is a Central subject.

Mr. A. T. MAZHARUL HAQUE: On a point of order, Sir. According to rule 25 of the Assembly Procedure Rules you have got the power to disallow any question which relates to a matter which is not primarily the concern of the Provincial Government. On that ground, Sir, this unstarred question No. 73 is not admissible. This question does not deal with any matter which is primarily the concern of the Provincial Government and on that ground it is not in order and cannot be answered on the floor of the House.

Mr. SPEAKER: But the question has already been admitted and it has been answered.

Mr. A. T. MAZHARUL HAQUE: Sir, I submit it should not have been admitted.

Mr. SPEAKER: If you refer to part (*b*) of the question, namely, whether the Government have examined the list of such goods and received any offer of any of those goods, you will see that these are matters which concern the Provincial Government and information regarding these may be supplied by the Provincial Government. Simply because a particular subject refers to the Central Government, information regarding the same need not necessarily be disallowed in this House, for such information may be supplied by the Provincial Government, and as a matter of fact this has been done. So the question was admitted. The same is the case with Railway matters which are a Government of India subject but information regarding the same may be supplied by the Provincial Government and are supplied.

Mr. BIMAL CHANDRA SINHA: Will the Hon'ble Minister be pleased to state if they have made any enquiry as to whether the Government of India is contemplating to distribute such a reparation to the different provinces?

(No answer was given.)

Sir, No answer has been given to my question. May I suggest, Sir, that this question be held over? Such absence on the part of Hon'ble Ministers is a serious effrontery to the dignity of the House.

Mr. SPEAKER: I share the opinion expressed by the honourable member. Hon'ble Ministers ought to be present in the House to answer question. The House cannot wait for the presence of any Hon'ble Minister or his representative. This question is held over.

Monthly journal "Joyshree".

74. Mr. NISHITHA NATH KUNDU: (*a*) Will the Hon'ble Minister in charge of the Home Department be pleased to state whether it is a fact—

(*i*) that the "Joyshree", a monthly journal, was enjoying paper quota at the time of its suspension in April, 1942;

(*ii*) that security deposit of the said journal was forfeited and order for fresh security deposit was passed on the journal in March, 1942; and

(*iii*) that copy of an application to the Paper Officer, Department of Industries and Civil Supplies, India, was forwarded to the Director of Publicity, Government of Bengal, on or about the 19th June, 1946, for sanctioning paper quota of the said journal?

(*b*) If so, will the Hon'ble Minister be pleased to state whether the Director of Publicity has communicated his sanction order to the Paper Officer, and if not, why not?

(*c*) Are the Government considering the desirability of revoking the orders of forfeiture of the security deposit and fresh security deposit and removing all obstacles in the matter of press declaration and paper quota?

MINISTER in charge of HOME DEPARTMENT (the Hon'ble Mr. H. S. Suhrawardy): (*a*) (*i*) Government have no information.

(*ii*) Yes, in April, 1942.

(*iii*) Yes, the copy was merely forwarded to the Director of Publicity, Bengal, and no action was suggested.

(*b*) No. The Director of Publicity has no authority to sanction the paper quota.

(*c*) The matter is under examination. The paper quota has since been sanctioned, the security deposited and the journal is being published.

Dr. SURESH CHANDRA BANERJEE: With reference to answer (*c*), will the Hon'ble Minister be pleased to state how long the matter has been under examination?

Mr. K. NASARULLA: We have already recommended, the paper quota has been sanctioned, the security deposited and the journal is being published.

Dr. SURESH CHANDRA BANERJEE: Who made the sanction of the paper quota?

Mr. K. NASARULLA: We recommended to the Government of India and the Government of India have sanctioned it.

Mr. BIJOY KRISHNA SARKAR: Will the Hon'ble Minister be pleased to state the reasons for the forfeiture of the security of the journals?

Mr. K. NASARULLA: Sir, there were reasons for forfeiting the security because they sometimes published articles which fell under the Defence of India Rules.

Dr. SURESH CHANDRA BANERJEE: Will the Hon'ble Minister be pleased to state whether the question of forfeiture of and order for fresh security is under the consideration of Government? From answer (*c*), it appears that all this matter is under examination.

Mr. K. NASARULLA: We are examining all the matters in this connection.

Mr. MUHAMMAD HABIBULLAH CHAUDHURY: Will the Hon'ble Minister be pleased to state the name of the Editor or Editress, as the case may be, and the reason why the paper was suspended?

Mr. K. NASARULLA: Mrs. Leela Roy.

Mr. MUHAMMAD HABIBULLAH CHAUDHURY: Why the deposit money was forfeited?

Mr. K. NASARULLA: I have said, sometime back during the war this paper came out with an article and was prosecuted under the Defence of India Rules and the deposit money was forfeited.

Proposed dam at Mashanjore.

75. Mr. MIHIR LAL CHATTOPADHYAYA: Will the Hon'ble Minister in charge of the Irrigation Department be pleased to state—

(*a*) whether Government intend to start work in connection with the proposed dam at Mashanjore (as a part of the Mor Scheme) at an early date and steps taken in that connection; and

(*b*) if any officer, comparable in status and experience to the officers reported to have been deputed by the Government of Bihar, has been deputed for investigations and preliminary report?

MINISTER in charge of the IRRIGATION and WATERWAYS DEPARTMENT (the Hon'ble Mr. Tarak Nath Mukherjea): (*a*) The work can be started only after the consent of Government of Bihar has been obtained. The Government of Bihar's permission for the construction of the dam at Mashanjore within their Province has not yet been obtained. The question is being examined by the Government of Bihar.

(*b*) An experienced Kanungo (Revenue Officer) and an Engineer Officer were deputed from Bengal for preliminary enquiry.

Mr. MIHIR LAL CHATTOPADHYAYA: Mr. Speaker, the time is up and I shall not be able to put any supplementary question after this.

Mr. SPEAKER: There is no more question left over from the previous day and if you can finish this within one minute——

Mr. MIHIR LAL CHATTOPADHYAYA: It is so difficult for me to finish in one minute and the Minister to answer.

Mr. SPEAKER: All right; questions over.

Message from the Bengal Legislative Council.

Secretary then read the following message received from the Bengal Legislative Council:—

"That the concurrence of the Bengal Legislative Assembly be asked to the Bengal Protection and Conservation of Fishes Bill, 1947, as passed by the Bengal Legislative Council at its meeting held on the 1st April, 1947."

(At this stage the House was adjourned for 15 minutes.)

(*After adjournment.*)

GOVERNMENT BILL.

The Bengal State Acquisition and Tenancy Bill, 1947.

The Hon'ble Mr. FAZLUR RAHMAN: Sir, I beg to introduce the Bengal State Acquisition and Tenancy Bill, 1947.

(Secretary then read the short title of the Bill.)

The Hon'ble Mr. FAZLUR RAHMAN: Sir, I beg to move that the Bengal State Acquisition and Tenancy Bill, 1947, be referred to a Select Committee consisting of:—

(1) Mr. Hamiduddin Ahmed,
(2) Mr. Abdus Salam,
(3) Mr. Jasimuddin Ahmed,
(4) Maulana Abdullahel Baqui,
(5) Mr. Abul Hashem,
(6) Kazi Abul Masud,
(7) Mr. Abdur Raschid Mahmood,
(8) Mr. C. P. G. Wade,
(9) Mr. Fazlur Quadir,
(10) Mr. Mohini Mohan Barman,
(11) Mr. Iswar Chandra Mal,
(12) Mr. Suresh Chandra Das Gupta,
(13) Mr. Sitangshu Kanta Acharjee,
(14) Mr. Bimal Chandra Sinha,
(15) Mr. Bankubehari Mandal,
(16) Dr. Protap Chandra Guha Roy, and
(17) the Hon'ble Minister in charge of the Department of Land and Land Revenue (the mover),

with instructions to submit their report by the 15th July, 1947. The number of members whose presence shall be necessary to constitute a quorum shall be five.

Sir, I consider it to be a great privilege to bring before the House a momentous measure which is intended to close one of the longest and most melancholy chapters in the socio-economic history of this country. It seeks to end a system which was introduced as the first great act of consolidation of British imperialism in India. I think, Sir, it is unnecessary for me to refer to the various factors which brought about the Permanent Settlement of the Province. These are matters of early history of the establishment of British rule in this country. The object of Permanent Settlement as ostensibly stated in the Regulation of 1793 was to promote the future ease and happiness of the people by doing away with the obnoxious usage and custom under which the rulers of the country demanded frequent increase in the assessment of lands and also resorted to the practice of depriving the proprietors of the management of their estates. It was also expected by the authorities that the proprietors of lands sensible of the benefits conferred upon them by the public assessment being fixed in perpetuity would exert themselves for the improvement of cultivation under the certainty that they would enjoy exclusively the fruits of their own good management and industry. But behind all these professions of generous humanity and disinterested justice there was a great political motive. It was intended that this novel system of land tenure would lead to the creation of a class of prosperous and loyal landholders who would always side with the Government and secure the stability and solidarity of the British administration of the country. As an agrarian system it is not supported by the experience of any civilized country in the world. It placed the entire body of tenants unreservedly at the mercy of the zemindars. And a series of Regulations which were passed subsequently only tended to strengthen their hands in completing the process of destruction of all the customary rights of the raiyats. The insecurity of tenures, and the unlimited powers of exploitation, interference and extortion which these Regulations had given to the landlords proved to be fatal obstacles to the development of agriculture. The

situation had become so intolerable that the House of Commons appointed a Select Committee in 1830 to enquire into the affairs of the East India Company and to report on the objects and consequences of the Permanent Settlement. The Committee after taking a great body of evidence recorded their deliberate opinion that "in the permanently settled districts in Bengal nothing was settled and little was known, but the Government assessment". Almost the whole of the lower classes throughout the Province was subjected to the most grievous oppression—an oppression which in the opinion of the Committee was so guaranteed by the British pledge of conferring a right of ownership in the soil, that there was no way out to relieve the sufferers. They considered however that State acquisition of the zemindaries by private or public purchase was the best mode of securing the rights of the raiyats. I need hardly say, Sir, that had this recommendation of the Committee been accepted by the Government of the day at that remote period when the zemindary system had not developed so much complexities as at present, the face of Bengal would have been altogether different. But imperial necessity outweighed all considerations of economic progress and social justice for the people of a dependent country. Accordingly, nothing was done. It was only by the middle of the last century that there was the first noticeable sign of a revulsion of feelings against the working of the Regulations which had been so subversive of the rights of the raiyats and detrimental to the development of agriculture. The result was the passing of Act X of 1859 which was intended to give some measure of protection to the raiyats. It was a half-way piece of legislation and its glaring defects were soon pointed out by several eminent authorities. The exposition of the law as given by the Hon'ble High Court left no room for distinction between a fair and equitable rent and a rackrent and stripped the raiyat having a right of occupancy of every advantage over a mere tenant-at-will except the shadowy and attenuated right to occupy his land in preference to any other tenant so long as he was willing to pay as high a rent as any one else was prepared to offer. Meanwhile, further difficulties arose in the matter of realisation of the raiyats' share of the road and public works cesses imposed under the Act of 1870 which the zemindars wanted to consolidate with the rents. All these factors combined to produce widespread agrarian disturbances in the country for which the Agrarian Disputes Act VI of 1876 was passed. While the Act was enacted as a temporary measure to deal with an emergency, it was emphasized from all quarters that the chief cause of the disturbances which was traceable to the uncertainty and indefiniteness of the law governing the relation between the landlords and the tenants, should be removed by the passing of a comprehensive law. Accordingly, in 1879 the Government of India set up a Rent Commission consisting of eminent jurists and public men of the day with a view to prepare a digest of the existing law relating to landlords and tenants and to draw up a consolidating Bill. The Commission presented their report and a draft Bill in 1880 which was ultimately passed as the Bengal Tenancy Act of 1885. Since then the trend of the Tenancy Law has been to confer more rights and privileges on the raiyats. No doubt, all these instalments of reform meant a certain amount of encroachment on the proprietary rights of the zemindars and the intermediary interests created by them, but they did not in any way interfere with the basic structure of the zemindary system. On the other hand, they tended to make it more complicated and harmful by providing for unrestricted right of transfer and sub-letting of occupancy holdings which resulted in the passing of lands into the hands of non-cultivating owners, accumulation of lands into fewer hands and dispossession of the hereditary raiyats and their degeneration into rackrented under-raiyats, *bargadars* or landless labourers. It is true that all these things happened under the sanction of the Legislature, but it must be admitted that they were the inevitable outgrowth of the Permanent Settlement. Indeed this design and instrument of British imperialism was so deep-laid and fashioned with so much care and deliberation that it could scarcely fail to function throughout these historical epochs in securing its inescapable objective. It has produced a colonial economy of

scarcity and a moribund social order at the top of which, there is a class of landlords who are generally loyal though not always prosperous but devoid of all initiative and enterprise in regard to matters which increase the national wealth and prosperity of a country. The efficacy of the system in securing its imperial purposes is clearly evident from the fact that it has endured for more than 150 years. It is indeed amazing that we should have taken such a long time to realise that a pattern of land tenure which had been thrust on the country was detrimental to national interest and unsuited to modern conditions. I feel, Sir, as if it were a piece of divine dispensation that the enactment of the Bill which this Ministry has brought before the House in deference to an overwhelming demand of the people of the Province with a view to bring about a better social and economic order, should almost synchronise with the dead line fixed for British withdrawal from this country.

2. *Country demands abolition of the Permanent Settlement and the zemindary system.*—It may be recalled that when the Ministry was formed for the first time under the new Constitution, it undertook measures for conferring larger rights and privileges on the raiyats by an amendment of the Tenancy Act in 1938, but a great volume of public opinion was in favour of a more radical reform in the system of land tenure of the Province. It advocated abolition of the Permanent Settlement and elimination of the whole hierarchy of landlords beginning from the proprietor down to the lowest grade of rent-receivers. Signs of unrest and a positive dislike of the existing system manifested themselves in various ways and they found the most vocal expression through the elected representatives of the people in the Legislature. Private landlordism was considered to be an effete institution which had outlived whatever utility it had and the elimination of the entire landholding class was looked upon as a prerequisite for a better social and economic adjustment. The Congress point of view of the day was very aptly described by Mr. Gandhi in an informal meeting of the Calcutta Congressmen as reported in the *Amrita Bazar Patrika*, dated 24th April, 1938. The question was put to him whether he would like the Permanent Settlement to remain. He straightaway replied, "No, it has to go". Such has been the general feeling in the country.

3. *Appointment of the Land Revenue Commission and their recommendations.*—The Government of the day naturally could not arrive at any definite decision without a proper investigation and an authoritative advice on the various aspects of so important a problem which vitally affected 4/5ths of the population. Accordingly, a Commission of Enquiry consisting of experts and representatives of landlords and tenants was appointed in November, 1939, under the chairmanship of Sir Francis Floud to examine the existing land revenue system in its various aspects, to estimate its effect on the economic and social structure and its influence on the revenues and administrative machinery of the Province and to report whether it would be practicable and advisable for Government to acquire all the rights in agricultural land so as to bring the actual cultivators into direct relation with the State. The Commission submitted a weighty report by the end of March, 1940. They dealt at great length with the advantages and disadvantages of the existing system and the possible objections that might be raised against any scheme of State acquisition from the social, economic and administrative points of view. The majority of the members were definitely of opinion that whatever might have been the justification for the Permanent Settlement in 1793, zemindary system had developed so many defects that it had long ceased to serve any national interest and that no half measure could satisfactorily meet the situation. Accordingly, they recommended that the Permanent Settlement should be replaced by a raiyatwari system under which the Government will be brought into direct relation with the actual cultivators by the acquisition of all the superior interests in agricultural lands. They were convinced that as a sole landlord Government would be in a very much stronger position than any private

landlord to initiate schemes for the consolidation and restoration of economic holdings of raiyats, provision of grazing land and prevention of transfer of land to non-agriculturists as well as to undertake effective measures for improving the economic condition of the cultivators. The Commission judged and denounced the existing system on every count of nine-points charge-sheet which they had framed against it. I would not take any time of the House by reiterating these charges, but there was omission of a very important item to which I think I should invite the attention of the honourable members. It is admitted on all hands that on account of the easy security given by the Permanent Settlement, the bulk of the available capital of the country has been attracted on lands. This has very largely crippled the spirit of individual enterprise in business and industry. More people have been made dependent on the profits from land than they can reasonably support. The balance between agriculture and industry has been lost. At the same time, it has helped the growth of a class of leisurely and sluggish-minded people who are given mostly to an easy and indolent way of living. This has done incalculable harm to the wider interest of the country. On this ground alone, Sir, if on no other, I think there would be enough justification for ending the existing system I should also like to state that the Bengal Administration Enquiry Committee expressed their deliberate opinion that so long as the present outmoded system of land tenure remained, the administrative machinery of Government which was being clogged by it at every turn was bound to fail to achieve its maximum result in the exploitation of land and water resources of the Province.

4. *Decision of Ministries.*—The House may be aware that immediately after the publication of the Committee's report, Government appointed Mr. (now Sir Walter) Gurner, a senior member of the I.C.S., as a Special Officer to examine the report mainly from the financial and administrative points of view. Then in July, 1941, a motion was tabled by Government to afford an opportunity to the House to express its opinion on the far-reaching recommendations of the Land Revenue Commission so that Government in coming to a decision might take advantage of the views expressed by the popular representatives. There was a full dress debate for two days in which every shade of opinion was freely expressed. The Ministry in 1943 tentatively decided to accept the policy of acquiring the interest of all classes of rent-receivers. This decision was announced by the then Hon'ble Minister, Revenue, on the floor of the House on the 15th March, 1943. In doing so, he made it clear, however, that the times were not propitious for these changes as there was no knowing what the economic situation of the society would be after the war. The last Ministry also stood by that decision. As soon as the present Ministry was formed, it gave its immediate attention to the matter as the party which came into power was pledged to it by its election manifesto. Sir, I make bold to state on the floor of the House without any fear of contradiction that no Government in recent years ever gave so much care and deliberation on a subject in all its bearings as we did in this case. In fact the magnitude of the problem demanded it and I feel happy that we have been able to take a firm decision on it and to bring a Bill before the House.

5. *The issues that arise.*—Sir, I am aware that there are serious misgivings in some quarters regarding the wisdom of this measure. I can very well anticipate the various points that may be raised during the present discussion. The honourable members may like to know—

(*i*) Why does the Bill not provide for the payment of such compensation to the landlords as to ensure their existing income?

(*ii*) Will any financial benefit accrue to the State out of this transaction?

(*iii*) What will be the social effect of the elimination of the landholding class and what measures are proposed to be adopted to provide them with the means of their livelihood?

(iv) Have the Government formulated any definite plan for improvement of agriculture and amelioration of the condition of the cultivators?

(v) What is the Government policy in the matter of distribution of lands and provision of economic holdings for the cultivators?

(vi) What steps are proposed to be taken to make the *khas mahal* administration of the whole Province efficient and popular?

Other issues may also be raised, but I would confine myself for the present to the points that I have just enumerated and endeavour to give so far as is possible for me within the scope of this discussion an outline of the plan and policy of Government in respect of each one of them.

6. *Why compensation adequate to ensure existing income is not proposed to be paid.*—It is recognised that by far the most difficult question is the payment of compensation to the outgoing landlords. There are two extreme views—one is that having regard to the historical circumstances of the Permanent Settlement and even apart from any such consideration, but having regard to the demands of national interest the landlords should not be paid any compensation, while the other is that as they were given proprietary rights, they must be fully compensated for acquiring such rights. It is contended that zemindaries were created solely for reasons of consolidation of a foreign domination and if the national interest now requires that the error of the Permanent Settlement should be rectified there can be no moral objection to expropriation without compensation. It is also urged that the landlords as a class who did very little in discharging their obligation in the matter of taking preponderating share in the extension and improvement of cultivation, are not entitled to claim any share in the unearned increase in the capital value of land. There are also instances of agrarian reform involving acquisition of big estates effected in some countries by outright expropriation without payment of compensation, while in others although the principle of compensation was accepted it was fixed much below the market value of the property. The extreme leftist view is based more or less on these considerations. On the other hand the protagonists of the zemindary system emphasise that whatever might have been the reasons for the Permanent Settlement, certain definite statutory rights were conferred on the zemindars under the Regulation on the basis of which so much transactions in landed interests have taken place during all these years that at present there are only a few families that can trace their connection with the original proprietors with whom settlement was made. By far the greater portion of the zamindars acquired their estates either in revenue sale or by private purchase on payment of full market price. It will therefore be a grossly expropriatary and discriminating class legislation if the present-day landlords are not to be paid full value of their properties. As I have already stated, these are the extreme view-points. The majority of the Commission recommended that compensation should be paid at a flat rate of 10 times the net profit. Sir Walter Gurner thought that some latitude should be left for variations of this flat rate in individual cases so as to avoid palpable overpayment on the one hand and excessive hardship on the other. A flat rate of compensation for all classes of interests has the only merit of administrative simplicity, but it can scarcely be considered as fair and equitable. The constitutional position as regards payment of compensation for acquisition of properties has been laid down in section 299 of the Government of India Act, 1935. Government have been advised by their Law Officers that it is within the competence of the Provincial Legislature to fix such compensation in its discretion as it may consider fair and reasonable in the circumstances of the case and not necessarily the full market value. Regarding market value, it may be said that it serves as a guide in transactions, where the law of demand and supply works freely, but where the entire commodity is put on the market and there is monopoly purchase the position becomes altogether different. Competitive market value can therefore be no criterion for payment of compensation for wholesale acquisition of rent

receiving interests of the Province. I need only say, Sir, that Government have considered with utmost care and deliberation all these view-points, and they are of opinion that a graded scale of compensation as proposed in the Bill will be fair and reasonable to all parties in the circumstances of the case.

7. *Financial results of State acquisition.*—I shall now deal with the question of financial results of the scheme. The Land Revenue Commission have given an estimate which shows a net increase of Government revenue of 2·23, 1·47 or ·33 crores according as compensation is paid at 10, 12 or 15 times the net income. This amount will be further increased to 7 crores after 60 years when all the loans will be paid off and there will be no more charges on account of interest and sinking fund. It has been stated by the Commission that their estimates have been prepared on a conservative basis and they see no reason why the results would not be realised provided that Government do not yield to a demand for a general reduction of rents. Sir Walter Gurner has also given an account of the financial aspect of State acquisition in a more economical form as he calls it by eliminating assets of *khas* land which he has assumed will not be acquired in any case. According to his calculation net rent-receiving assets of 5·9 crores can be purchased for a capitalised sum of 119 or 86 crores according as compensation is paid in 15 or 10 times the net income. My Department has also worked out a profit and loss account of the scheme on the basis of the rates of compensation as proposed in the Bill. I need hardly say, Sir, that nobody can be too sure about the correctness of these estimates. I should however like to make it clear that Government fully subscribe to the point of view emphasised by the Commission that the scheme of State acquisition is not based on the ground that it may lead to financial gain; if it resulted in a financial gain that would be an additional advantage, but that their recommendation that the State should be brought into direct relation with the actual cultivators is the outcome of other more vital considerations.

8. *Social effect of State acquisition and the case for the dispossessed landlords.*—Next to financial results, the question about which the greatest apprehension has been entertained is whether the abolition of landlordism will not mean disintegration of the social classes and a disruption of rural life. Admittedly, this is a very important aspect of the scheme of State acquisition and it will be well to have a proper appreciation of it. The census of 1931 returned a total population of 22 lakhs mainly dependent on agricultural rents. Corresponding classified figure was not collected in the census of 1941, but it may be presumed that with the general increase in population there has been a proportionate increase of rent-receivers. Even if we accept the census figure of 1931, it means an average gross rental income of Rs.60 per head per annum. Deducting revenue or rent, as the case may be, landlord's share of cesses and cost of management, the net income comes to less than Rs.30 per head per annum. Are we to accept the position that the average rent-receiver is subsisting on this income? The fact of the matter is that the number of landlords who depend wholly or mainly on rental income is much smaller. By far the larger number receive rent as a subsidiary source of their income. There are only 1,950 big landlords as determined by the minimum electoral qualification for landholders' constituencies. Quite apart from the queston of number and in spite of many faults of omission and commission on the part of the general body of landlords, it is an admitted fact that they form an integral part of the social order. It cannot also be denied that there have been and are public-spirited and charitable landlords who have contributed to the social and educational welfare of the Province. In this way they have always been looked upon by the rural people as the immediate embodiment of a power that largely influences their destiny. It is realised that State purchase of zemindaries will cut off this privileged class from all connection with lands and in consequence will suddenly disrupt the social fabric. There is also the question of indebtedness of the landlords. It is a fact that most of them are heavily involved in debts. Statistics collected in respect of 212 representative

families of landlords of the Province revealed that although they intercepted more than 1/7th of the total rental demand, their average outstanding liabilities were 6 times the annual net income. The position in Court of Wards Estates is no better. Government therefore consider it necessary that relief should be given to the dispossessed landlords by scaling down of their debts so that the burden which the State purchase will entail may fall not on the landlords alone but also on those monied people who have so long enjoyed a good return from land securities. Accordingly, it has been provided in the Bill that no interest of a landlord shall be liable to attachment or sale in execution of any money decree other than a decree or certificate for arrears of rent or revenue, and that in respect of any debt secured by mortgage of the property compensation money payable in respect thereof shall be liable to attachment up to the extent of 50 per cent. only. Government are also alive to the possible economic danger of the wastage of the huge amount of the compensation money unless it is properly utilised on productive projects for increasing the wealth of the country. With these objects in view Government are considering a scheme of giving all possible facilities to the landholding classes for taking an effective part in industrial concerns by investment of their compensation money as well as by supply of the necessary leadership in the industrial development of the country. I should however make it clear that in spite of all that Government may do in this direction, there is bound to be certain amount of jerks, jolts and social convulsions. In fact, it is the inevitable prelude to every plan of reconstruction of a better social and economic order. After all, the landlords as a class can only be saved by their own efforts. They must have to shake off their sluggish mentality of ages and to begin a new life of self-preservation and national interest. The compensation money on which they can easily subsist for 10 to 15 years is by no means inconsiderable for a good start. They can consume or augment it, if they so like. It will be too much for them to expect that in the present age a progressive State will guarantee to supply them with all the means of an idle livelihood as they have lived so long.

9. *Government plan for reconstruction of rural life and improvement of agriculture.*—One economic aspect of the Permanent Settlement which is too often emphasised is that it has led to a wide dispersal of agricultural income. The bulk of the rental demand intercepted by the landlords is spent in the villages in spite of their growing attractions for town and city life and the rural people are directly or indirectly benefited by such expenditure; but after the acquisition of their interests, these upper and middle class people will no longer have any inducement to maintain their village residences and other establishments. This will inevitably lead to a progressive ruralisation of villages. It is also a fact that with the growth of industrialisation in this country however small and indifferent it may be, the villager has been deprived of the little opportunities he still had for augmenting his meage resources by subsidary village industries. Nothing has been left in their place to take up—no alternative avenues of employment—the result being more and more dependence on lands. Meanwhile, the agriculture remains as backward and primitive as ever. Nothing has been done to reorganise it on a scientific basis and there is no organisation to look after our rural problems in all their social and economic aspects. Government are fully aware of this situation. They realise the imperative necessity of revitalising village life by a comprehensive plan of reconstruction which will supplement the reform of the system of land tenure in the country by other improvement measures, such as, small and large irrigation projects, control of crop pests and diseases, adequate provision for short and long-term credit, education of rural community, spreading of co-operative movement, development of efficient system of agricultural marketing, establishment of a chain of State-aided small industries in village sites particularly such industries as are helpful to agriculture and a score of other measures for the general well-being of the cultivating classes.

The position is generally recognised that one of the major obstacles in the way of agricultural development is the existence of small uneconomic holdings which make progressive land development impossible. Unless land is pooled and managed as bigger units than at present, large scale cropping, investment of capital in land and the application of results of scientific research to agriculture are greatly impeded. Furthermore, reform of land tenure is considered to be fundamental to the improvement of social and economic life in rural areas. Nevertheless we have abundant evidence of what small cultivators can achieve given opportunity, encouragement and initial help by the State through a planned development of co-operative associations and enterprise. Co-operation in every phase has been accepted to be the basis of a sound agricultural policy in many advanced countries of the world. Apart from securing better farming, better business and better living, it has been found to be of great educational value to the rural people in the practice of economic democracy, self-reliance and citizenship. All these lessons particularly the Russian experiments which have revitalized the agricultural production of that country in recent years clearly show that the planning of agricultural reconstruction in this country of small cultivators should also be made on the same basic principles of co-operation. We believe however that we will be in a much better position to give shape to it after landlordism has been abolished and a radical change has been effected in the existing framework of the tenancy law which has, by conferment of unrestricted right of transfer, sub-letting, sub-division and fragmentation of holdings, rendered progressive planning almost impossible. But this does not mean that Government have not yet formed any idea of the nature of agricultural development, its objects and special problems, such as, its relation to industry and the organisation or administrative machinery by which such objects are to be attained. We have a measure of these problems and the tasks that are ahead. Formidable though they are, we want to face them boldly. It is not possible for me here to give a complete picture of the lines on which Government want to proceed. I may however state that my Department have already worked out certain schemes of co-operative farming to be tried on an experimental basis in some selected *khas mahals*. We are determined to make these experiments a success by rendering all possible facilities so that they may be gradually extended all over the Province after State acquisition. Government also propose to undertake several irrigation projects, large scale reclamation works, supply of improved seeds, plough-cattle and agricultural equipments and such other measures as are necessary in furtherance of their agricultural policy.

10. *Measures proposed for providing the cultivators with economic holdings.*—It is realised however that no planning for agricultural reconstruction of the country can be fully effective so long as the cultivators are not provided with economic holdings. It is admitted on all hands that the economic difficulties of rural Bengal are primarily due to the ever-increasing pressure of population on land. Forty-six per cent. of the families hold less than 2 acres while 2/3rds of families of agriculturists hold less than 4 acres. Unrestricted right of transfer and absence of any limitation on subdivision of holdings whether under the operation of the Law of Inheritance or otherwise have also tended to increase the number of small holdings. Thus the cultivator has to work on very meagre resources which are continually dwindling compelling him to perpetually lower his standard of living. The few parcels of land which are his sole credit are gradually slipping off his hands and he is obliged to seek a precarious existence either as a rack-rented under-tenant, a *bargadar* or a landless labourer. The pressure on agricultural lands has become so high that even on the basis of 5 acres in East Bengal and 7 acres in West Bengal as the minimum size of an economic holding for a family of cultivators, the surplus agricultural population has been estimated at 25 per cent. These baneful tendencies in the economic life of the cultivators have been fostered by the present agrarian system

and I need hardly say that very bold measures are needed to check them. Government have accordingly laid down a definite policy in the matter of distribution of lands—the object being to settle fewer people with economic holdings than to settle too many with under-sized and uneconomic holdings. An order of priority for settlement of *khas* lands has also been laid down so as to provide lands to those cultivators who are in most need of them. Any settlement of new lands with a non-agriculturist or a cultivator who has already got an economic holding has been absolutely forbidden. The Bill also provides for such measures as restriction of transfer to *bona fide* cultivators only who have not got more than certain quantities of land, absolute interdiction of sub-letting in any shape or form except in the case of minors, widows and other physically incapacitated persons during their period of disability and indivisibility of holdings below the minimum size of 3 acres. Elaborate rules for consolidation of fragmented holdings have been laid down so as to give each cultivator the advantages of a "home farm" in a compact block. Provisions have also been made for acquiring surplus *khas* lands from those people who have got more than 100 *bighas* in the family or 10 *bighas* per head whichever is greater. They will however be permitted to retain possession of areas in excess of this limit if they have undertaken large scale farming on a co-operative basis or otherwise by the use of mechanical appliances. Extensive waste lands are proposed to be acquired and reclaimed for which Government have already introduced a separate Bill in the Council. The object of these measures is to secure a fairer distribution of lands, to prevent passing of lands to the non-agriculturists or accumulation in fewer hands and to provide each family of cultivators with an economic holding. It is also the Government policy to settle all new formations or large blocks of lands wherever possible on co-operative basis of farming.

11. *Administrative machinery to be set up.*—Finally, Sir, there remains one aspect of all these problems of land reform and agricultural improvement, —the importance of which cannot perhaps be too strongly emphasized. The success of all these projects will largely depend upon the kind of administrative machinery that may be set up for the purpose. There can be no two opinions that the most essential part of an administrative machinery is the personnel. However, well-thought out a plan may be, it cannot produce the desired result unless its execution is entrusted to the right agency. I must frankly admit that our *khas mahal* administration of the present day is not popular. It has become soulless and inelastic. There is lack of that much-needed personal touch which is so essential for an efficient and mutually beneficent landlord-tenant system. I consider it well to recognise the position that hitherto *khas mahal* administration has been run in such a way as not to create any bias in its favour and instead of serving the purpose of a model zemindary as it was originally intended to, it has degenerated into and in fact developed some of the worst features of a zemindary estate. There are various contributory causes which I need not detail here; but I should like to state that Government are determined to remove these defects in the administration. The ideal of landlord-tenant system will no doubt be easy of attainment with Government as the sole landlord having direct relation with the cultivating raiyats. But it calls for a radical change in the very spirit of administration. It is admitted on all hands that the administration has so long failed to understand the needs and psychology of the people. Red-tapism characterises the official activities in all fields. Measures conceived with the best of intentions very often fail to produce the desired results. The officials high and low and the people are in opposite camps. Instead of help and guidance, the masses very often receive harshness, stringency and obstruction from the official blocks. The influence of superior officers in charge of superintendence and control has waned. There is lack of contact between them and the people. The complaints made against the conduct of subordinate officials are not properly enquired into and very often complainants themselves have to come

to grief. Corruption amongst officials and local or sectarian influence on them have tended to frustrate ends of justice and fair play. All these factors have shaken the confidence of the rural people in the officials whom they frankly distrust and fear. If the administrative machinery is to function as an affective social service institution its agencies from top to bottom must be imbued with the spirit of service. They should be quick to feel the people's pulse and to make proper appreciation of their needs and difficulties. They must put aside their standoffish attitude. Spirit of sympathy and understanding between the rural people and the agency of administration is a primary condition for the success of any scheme of reform. Government are fully alive to all these issues. Accordingly they propose to reorient the policy of *khas mahal* administration and to set up a machinery which will be efficient and popular. I may inform the House that a blueprint for the purpose is under examination and an experienced officer of my Department has been deputed to examine the system in vogue in Madras, Bombay and the Punjab. A few pilot experiments will first be made in selected areas before introducing the main scheme for the Province.

Sir, I have already taken too much time of the House, yet I feel I have dealt with only a fringe of the subject which is so vast and complicated and bound up with the destiny of 4/5ths of the population of the Province. I shall now address a word of appeal to the honourable members to weigh and judge all the issues that arise calmly and dispassionately regardless of any party, political or communal consideration. The subject is much too serious and fraught with grave possibility to be treated in a spirit of party politics. I only fervently wish that on the eve of regaining our national independence the honourable members will rise to the occasion and support Government in liquidating one of the first and worst legacies of a foreign rule which like an octopus spread its malevolent influences on every aspect of our national life for such a long period.

With these words of appeal, Sir, I commend my motion for acceptance of the House.

Point of Privilege.

Mr. A. F. STARK: On a point of privilege, Mr. Speaker. I would like to submit before you adjourn that with regard to this very important measure the rules with regard to notice should be strictly observed. This is perhaps the most important measure that this legislature has ever had to consider, yet, Sir, we were given this Bill last Wednesday, the 16th. According to rule 51, 15 days' notice of a motion for reference to Select Committee is supposed to be given. I would submit, Sir, that this is not a case in which the rule should be relaxed. With regard to a Bill which is going to affect the whole economic and social structure of the province we should be given proper time to examine that Bill and to come to a decision on the many principles, far-reaching principles, which are contained in that Bill. Moreover, Sir, although I believe the Bill has been gazetted, gazettes have not yet been received—I think I am correct in saying that—and the public are unaware of the provisions of this Bill. I would therefore submit, Sir, that it would be creating a very bad precedent if in a far-reaching measure of this kind rules with regard to notice are relaxed.

Mr. SPEAKER: This was done more or less in agreement with the parties. (Cries of "no, no" from the Opposition benches.)

Mr. NIHARENDU DUTT-MAZUMDAR: There was no question of agreement.

Mr. SPEAKER: This is what I was given to understand.

The Hon'ble Mr. FAZLUR RAHMAN: The Chief Whip of the Opposition had entered into an agreement with me as also the Leader of the Opposition. It was down on the agenda of the 23rd and he said, "No, you bring it on the 21st and we want one day's extension of time for moving the amendments".

Maharaja SRIS CHANDRA NANDY, of Cossimbazar: May I point out that the copy of the Bill which was sent was received very late on the 17th and it will be very difficult for many of us to give amendments.

Mr. SPEAKER: Of course, the arrangement was that the copies should be sent to the home address of the members as well as to the Calcutta address, and I think that has been complied with.

Mr. NIHARENDU DUTT-MAZUMDAR: We have not received the gazette yet.

Mr. SPEAKER: No, copies of the Bill.

Mr. NIHARENDU DUTT-MAZUMDAR: Even so it does not comply with the rules.

Mr. SPEAKER: We have taken double protection, one copy was sent to the Calcutta address and another copy to the home address of the members.

Maharaja SRIS CHANDRA NANDY, of Cossimbazar: I got one copy after the 18th.

Mr. NIHARENDU DUTT-MAZUMDAR: It appears even on very important measures, the members of this House are treated in a very cavalier fashion by the Hon'ble Ministers and that practice should not be encouraged. On your part there should be insistence on strict compliance with the rules.

Mr. SPEAKER: No, I have said it was by agreement; that was what I was given to understand.

Mr. NIHARENDU DUTT-MAZUMDAR: Might be you were misled.

Mr. SPEAKER: It will not be possible for the Chair to respect any agreement in future then.

Mr. A. F. STARK: I would like to add that this Party was not consulted.

Mr. BIMAL CHANDRA SINHA: I do not know whether there was really any agreement but on a previous occasion it was pointed out, I think, if the Speaker suspends the rule there should be a specific mention of that fact in the notice itself, and if I remember aright you were pleased to direct that that will be done.

Mr. SPEAKER: Let us take up this question the next day and not today because there is the curfew.

At the request of the Leader of the House and the Leader of the Opposition I have changed the time for tomorrow's meeting. The House will sit at 4 p.m. tomorrow and the adjournment motion will be taken up at that time. There will be no questions tomorrow.

Adjournment.

The House was then adjourned at 6-35 p.m. till 4 p.m. on Tuesday, the 22nd April, 1947, at the Assembly House, Calcutta.

Proceedings of the Bengal Legislative Assembly assembled under the provisions of the Government of India Act, 1935.

THE ASSEMBLY met in the Assembly House, Calcutta, on Tuesday, the 22nd April, 1947, at 4 p.m.

Present:

Mr. Speaker (the Hon'ble Mr. NURUL AMIN) in the Chair, 8 Hon'ble Ministers and 107 Members.

Adjournment motion.

Mr. BIMAL COMAR GHOSE: Mr. Speaker, Sir, I beg to move my motion namely——

Mr. SPEAKER: What is that? Adjournment motion regarding precensorship?

Mr. BIMAL COMAR GHOSE: No, Sir The motion fixed for to-day.

Mr. SPEAKER: Mr. Ghose, I have got to make one point clear before we take up the adjournment motion, because notices of an adjournment motion have been received today on certain subjects and the consent of the Chair has been given. I would like to make it clear that if the motion for which consent has been given is taken up then the motion which is fixed for discussion today will have to go, because today's business is the discussion of an adjournment motion and if this business is adjourned and the motion for which consent has been given today is taken up, then the adjournment motion fixed for today cannot be taken up

Mr. J. C. GUPTA: No; two motions cannot be taken up I think it is well-known that only one adjournment motion can be debated upon on a day. You have fixed one adjournment motion for being debated today. Therefore any other motion of adjournment cannot be taken up today, even if your consent has been given.

Mr. SPEAKER: If that motion cannot be taken up today it cannot be taken up at any time unless the question of urgency is waived.

Mr. BIMAL COMAR GHOSE: Sir, my adjournment motion was moved the other day and for the convenience of the Chief Minister to-day was fixed as the day for its discussion. As regards the other adjournment motion if you consider that this is admissible, you can in your discretion fix some other day for the discussion of that adjournment motion. My adjournment motion should have been taken up that day. The fact that another motion has been given notice of today should not come in the way of my adjournment motion. I could have moved my motion that day but for the convenience of the Chief Minister it was postponed till this day.

Mr. SPEAKER: The whole point is this: On any occasion including the occasion on which the date for discussion of your motion was fixed, such a motion takes preference to the usual business of the House, but today we have got no other business than the discussion of Mr. Ghose's adjournment motion. Accordingly if any business is to be adjourned and preference to be given to the adjournment motion for which notice has been received today, then the discussion of adjournment motion of Mr. Ghose only can be adjourned. So you have got to choose, Mr. Mukherji.

Mr. DHIRENDRA NARAYAN MUKHERJI: Sir, may I move my adjournment motion? This Assembly do now adjourn—

Mr. SPEAKER: Mr. Mukherji, I want to make it clear that it has got to be taken up today and therefore Mr. Ghose's motion cannot be discussed. On the other hand if Mr. Ghose's motion is discussed, your motion will fall through.

Mr. BIMAL CHANDRA SINHA: Sir, all arguments are based on the supposition that the motion of Mr. Mukherji is in order and has the leave of the House. If it has not the leave of the House, then it goes automatically. Therefore, I submit that the better procedure in this case would be to find out first of all whether Mr. Mukherji's motion has the leave of the House after it has got your consent, and if it has, then this question arises——

Mr. SPEAKER: I think I have made my point clear, so that the honourable members may not contend that they have been taken by surprise. I have made my intention clear.

Mr. DHIRENDRA NATH DATTA: Today has been fixed as the date for the discussion of Mr. Ghose's motion. This is the business of the House today.

Mr. SPEAKER: Mr. Ghose's motion is the business of the House today and there is no other business.

Mr. DHIRENDRA NATH DATTA: The business of the House should be taken up today. Mr. Ghose's motion cannot be taken up tomorrow. You can fix another day for the discussion of Mr. Mukherji's motion. Mr. Speaker, Sir, as regards Mr. Ghose's motion you have fixed the date for discussion three days after. We sought to adjourn the business of the House on a particular day; you have postponed the discussion of the motion till today. Similarly you can fix the date for discussion of Mr. Mukherji's motion one day after. In the case of Mr. Ghose's motion you used your discretion and fixed the date three days after. You can also use your discretion in this case and fix the date for discussion of Mr. Mukherji's motion one day after.

Mr. SPEAKER: Under the rules Mr. Ghose's adjournment motion ought to have been taken up on the day on which it was moved, but for the sake of facilitating discussion and for the convenience of the members so that they might obtain full information from Government, it was arranged that this motion should be taken up on a subsequent date. If in this case the parties concerned come to an agreement for not taking up the motion to-day on similar grounds, then the Chair might consider whether the Chair will waive the question of urgency, but not otherwise.

Dr. SURESH CHANDRA BANERJI: On this occasion of Mr. Ghose's adjournment motion you made an exception. I would request you to make another exception in this case also.

Mr. SPEAKER: If the members wanted to take up the adjournment motion on that very day and if they had not wanted a detailed reply from the Government, I would not have allowed the motion to be moved two or three days after. As the members were anxious to get correct facts from Government, they unanimoustly agreed to give some time to Government, so that the Government might collect information and convey that to the House.

Mr. KIRAN SANKAR ROY: Mr. Speaker, Sir, I submit that the proper procedure would have been first of all to take the adjournment motion of Mr. Ghose, and if my friend Mr. Mukherji gets permission—he has already got your consent—and if there is not objection in the House,

to fix another day for discussing Mr. Mukherji's motion. But in case you are of the view that only one adjournment motion—one of these two—must be discussed today, then we would prefer Mr. Mukherji's motion to be discussed today.

Mr. SPEAKER: Yes; as you like.

Mr. DHIRENDRA NARAYAN MUKHERJI: Mr. Speaker, Sir, I beg to move with your consent that this House do adjourn its business to discuss a definite matter of urgent public importance and of recent occurrence, namely, the situation arising out of the press note issued by the Government of Bengal and published today imposing precensorship of all news and comments criticising the activities of the police force of Bengal.

Mr. SPEAKER: Is there any objection?

The Hon'ble Mr. H. S. SUHRAWARDY: The only objection which I have to the motion is that there is no order to the effect that precensorship is to be imposed on all columns. I have not seen the motion, but I heard it just now from Mr. Mukherji that the resolution is that precensorship is to be imposed on all columns. There is no such order.

Mr. NIHARENDU DUTT-MAZUMDAR: That is a matter of detail. The precensorship will form the subject matter of today's adjournment motion. The Chief Minister might give his explanation later on. He has only to say whether he has any objection to this motion being taken up. In that case we should proceed to take leave of the House.

Mr. DHIRENDRA NATH DATTA: The Government press note is to the effect that all news relating to atrocities committed by police are to be precensored, and a circular to that effect has been issued to District Magistrates in districts and in the city of Calcutta, and to others.

The Hon'ble Mr. MOHAMMED ALI: The whole motion is before the House and not part of it as explained by Mr. Dutt-Mazumdar, and if it is found that a part of it is based on wrong facts, the whole motion cannot be acceptable. Government has the right to object, because the contention of Mr. Mukherji is wrong and based on wrong premises. I think the motion is not admissible.

Mr. NIHARENDU DUTT-MAZUMDAR: I am afraid the Hon'ble Finance Minister is again misleading the House. The motion is before the House, Sir, and you should get leave of the House and proceed with the motion, and then whatever explanation there might be may be given by the other side. It is a fact that an order has been issued regarding precensorship, and on that order, Sir, we wish to have the motion for adjournment of this House.

Mr. J. C. GUPTA: Sir, I do not think that an objection on the ground that the Chief Minister does not know what order is made in his name, can stand.

Mr. NIHARENDU DUTT-MAZUMDAR: Therefore, graver the urgency. An order has been passed when the Chief Minister does not know what it is.

Mr. HARIPADA CHATTAPADHYAY: The Hon'ble Mr. Mohammed Ali is again misleading the House.

Mr. SPEAKER: The adjournment motion was received five minutes before the House met.

Mr. J. C. GUPTA: But he ought to know what orders he has passed.

The Hon'ble Mr. H. S. SUHRAWARDY: I waive my objection.

Mr. DHIRENDRA NARAYAN MUKHERJI: Sir, may I with your permission read out the statement?

Mr. SPEAKER: Yes. The motion of Mr. Dhirendra Narayan Mukherji is taken up now, and the motion of Mr. Bimal Comar Ghose falls through.

Mr. NIHARENDU DUTT-MAZUMDAR: It is adjourned. Mr. Mukherji's motion is for the adjournment of the business of the House. The business of the House fixed for the day is the motion of Mr. Ghose. So his motion is merely adjourned. It is neither cancelled nor falls through. (Cries of "no," "no"). Mr. Ghose's motion will come up in due course.

Mr. DHIRENDRA NATH DATTA: The language is clear.

Mr. BIMAL CHANDRA SINHA: Sir, in accordance with Rule 100, it is incumbent on you to read out the short statement of facts.

Mr. SPEAKER: No objection was taken when the motion was read out.

Mr. DHIRENDRA NARAYAN MUKHERJI: Mr. Speaker, Sir. Let me formally move the motion. This Assembly do adjourn its business to discuss a definite matter of urgent public importance and of recent occurrence, namely, the situation arising out of the recent press note issued by the Government of Bengal, and published to-day, imposing precensorship on all news and comments criticising the activities of the police force in Bengal. I have read out the recent occurrence of public importance which has caused me to move the adjournment motion. My friend Mr. Sinha will now address the House. I have not read out the statement.

Mr. SPEAKER: The motion has been admitted. It is now open for discussion.

The Hon'ble Mr. MOHAMMED ALI: Is not the mover speaking?

Mr. KIRAN SANKAR ROY: No. He will not speak. He has just formally moved.

Mr. BIMAL CHANDRA SINHA: In rising to support the adjournment motion that has been moved by the honourable member representing the Hooghly North-East (General) Constituency, I must say... .(interruptions). Mr. Speaker, may I have your protection against interruptions and noise? (The Hon'ble Mr. MOHAMMED ALI: You ask your own leader). I think the House will realise that the House meets today under very unusual circumstances under the shadow of an order which has no parallel in the administration of any civilized Government. The subject matter for discussion today was an adjournment motion relating to police excesses and atrocities. Sir, I was staggered to find in this morning's papers that this Ministry unparalleled in its record of black acts and deeds, has surpassed its own record, by issuing an order gagging the press against publishing any news of police atrocities. We had the impression, Sir, that a person who calls himself decent gentleman would hang down his head in shame for the allegation of atrocities that have actually been committed by their own officers, and instead of taking up the cause of those policemen and officers would at once proceed to make a sifting enquiry into the matter, so that Government may be exonerated of all the charges, and the public may be convinced that after all there was no such incident. There was an occurrence on the 14th of April last, and the cognizance of it was taken perhaps on 19th, when the Chief Minister came out with a statement that he was making an enquiry. His statement is a wonderful piece of composition, if I may say so. I would like to read out that statement to the House. In that statement he says that on such and such date certain incident took place, namely, the police were attacked near a house in Harrison Road and in the course of making enquiries and searches certain incident has been alleged to have

taken place. That is the preamble of the statement. He has then gone on to say that so long as enquiry is being made into the matter, the public should hold judgment, because it is very easy to attack the police when such incidents are alleged to have taken place. I, Sir, draw the pointed attention of this House to the fact that so far as the first portion of the statement is concerned, there he proceeds on the assumption that one fact is unchallengeable and true, namely that there was an attack on the police by the throwing of cracker. There is no room for doubt so far as that part of his statement is concerned. I find that the Chief Minister shakes his head and laughs. There should not be any shaking of head like that if he has a sense of shame and of decency.....(Cries of "Shame, Shame" from the opposition benches). I am really astounded to find the Chief Minister in a spirit of levity. That indicates his mind that perhaps what has been done has been done rightly and in furtherance of a cause which is dear to his heart. That is not surprising from an honourable gentleman.....(Mr. BANKU BEHARI MONDAL: Dishonourable man).....I will call an honourable member of this House an honourable gentleman—more so because in the old Legislative Council when Mr. N. K. Basu proposed a Bill to punish the offenders against women by whipping, there was one honourable gentleman called Mr. H. S. Suhrawardy who got up and said that that Bill should be opposed .(Cries of "Shame, Shame" from the Opposition benches)..... because that Bill would fall heavily on Muslims. I do not know if the honourable gentleman sitting opposite is the same gentleman, Mr. H. S. Suhrawardy, who was the person who opposed the Bill to punish the offenders against women by whipping. ... (The Hon'ble Mr. H. S. SUHRAWARDY: Question!) ... .Well, Sir, there can be no questioning on that point: it is a recorded fact. (Loud noise from Government benches).

The Hon'ble Mr. H. S. SUHRAWARDY: This is a misrepresentation of facts . .(Loud noise from the Opposition benches and counter—noise from the other side).

Mr. BIMAL CHANDRA SINHA: Mr. Speaker, Sir, does not Mr. Suhrawardy know that allegations have been made in the Press about the throwing of crackers and there are recorded statements with the Leader of the Opposition which will be forwarded to the Ministry that those crackers are being thrown from the lines of the Muslim only to put up a plea for the arrest of innocent gentlemen who happen to live nearby or innocent passers-by who do not know anything of the matter. I say if after the curfew hours a cracker has been thrown, has he ever taken note of the allegations that agents provocateurs are set up by Government to throw these crackers only to get a plea to enter into the houses of innocent people, harass innocent men, women and children, and even commit molestation and rape, and what not.....(Loud noise from the Government as well as Opposition benches)? But, Sir, so far as that allegation of throwing crackers on policemen is concerned, the Hon'ble Mr. Suhrawardy proceeds, on the assumption that there can be no doubt about the genuineness about the throwing of crackers. And then he goes on to indict the public and says that when they cry against alleged atrocities of the police, they must first wait for a sifting enquiry. I wonder how many days he will take to complete his sifting enquiry. I do not know what has happened to that enquiry but I am also not interested in the result of that enquiry. I say that because I know that if I had the administration in my hand.....(Loud noise from the Government benches) if the officers making the enquiry had to depend on me for promotion, if the doctors making the pathological and chemical examination were Muslims and dependent on me for appointment and promotion, if I had within the administration, a large number of officers who would be too glad to satisfy me then I would not have taken three days like the Hon'ble the Chief Minister, whose love for truth and integrity is well known to produce a report supporting my case. So far as

the love for truth and integrity of the Hon'ble the Chief Minister is concerned, I would like to refer to a passage in the "Calcutta Gazette" of June 10, 1926, in which was published the report of the 1926-Calcutta Riots Enquiry Commission. There, Sir, the then Police Commissioner of Calcutta, Mr. Armstrong, made this remark, and this is in cold print—not in a book written by any member or any former member of the Government party or of the Opposition, but in the official Gazette where it has been written that on enquiry the charges made by Mr. Suhrawardy against the police proved to be baseless: "On the 4th of April, Mr. H. S. Suhrawardy, Deputy Mayor of Calcutta, personally complained to the Commissioner that the police and the military had that day looted a shop at No. 37, Khengrapatti, Burra Bazar. The Assistant Commissioner of the Detective Department (Mr. Hartley) and Inspectors Robertson, Malins and P. N. Mukherji, all of the Detective Department, were immediately deputed to accompany Mr. Suhrawardy to the scene of the alleged occurrence. A full enquiry was held without delay and it was found that the charge was entirely baseless."

The Hon'ble Mr. H. S. SUHRAWARDY: Rather on enquiry the complaint that I made was found to be correct but Mr. Armstrong made a mistake. (Loud noise from the Opposition as well as the Government benches).

Mr. BIMAL CHANDRA SINHA: Exactly so, that is also my case. Mr. Speaker, Sir, on the same analogy we also say the same thing that on this occasion also what the Government say is wrong and what we say and what has appeared in the newspapers are right. Sir, I do not know if that Mr. H. S. Suhrawardy, the then Deputy Mayor of the Calcutta Corporation, is the same honourable gentleman who is now adorning the Treasury Bench. But if that is so, then I must say that it has become his habit to indulge in baseless statements as the public generally know. In spite of what may be said today from the Treasury Benches we say that if anything is sufficient to create a revolution and to pull down from power those Muslim gentlemen who happen to adorn the Treasury Benches in the name of Honourables, it is the shielding of those bandits who have been imported from the Punjab to enter into innocent men's homes, to commit legalised banditry and to molest women, if not *actually* to commit rape That is the language used by the Hon'ble the Chief Minister. He has condemned *actual* commitment of rape—mark the emphasis on the word "actual"—as if anything short of commitment of rape such as molestation is an act which is dear to the heart of the present Ministry.....(Loud noise and counter noise from both sides of the House).....They have brought down from the Punjab bands of armed dacoits who are entering into the houses of innocent people.....(At this stage the Hon'ble Mr. H. S. Suhrawardy rose to speak but the voices of both the Chief Minister and of the honourable member were drowned in the uproar which followed from both sides of the House).

The Hon'ble Mr. H. S. SUHRAWARDY: On a point of order, Sir, I protest under this point of order that it is not open to any member of this House to malign persons who cannot defend themselves here in this House, and particularly to malign a body of fine, outstanding men who have shown their courage in suppressing widespread lawlessness.....(Loud cries and uproar from both sides of the House).

Mr. NIHARENDU DUTT-MAZUMDAR: That is no point of order, but a point of advocacy.....(Loud noise again from all sides).

The Hon'ble Mr. H. S. SUHRAWARDY: I submit that no member has got the right to say that a band of dacoits has been imported from the Punjab.....(Loud noise and uproar).

Mr. SPEAKER: Order, order, regarding the conduct of debate in this House it has been pointed out, and that very rightly, that strong language should not be used against those persons who are not present here in this House and who cannot have any chance of defending themselves.....(Loud noise in the House).

Mr. NIHARENDU DUTT-MAZUMDAR: On a point of order, Sir. My point of order is this. Very serious things have happened. We are here on the floor of this House over an adjournment motion. Naturally circumstances will have to be discussed and persons may come in for much censure here in the speeches in the course of the discussion of this adjournment motion. It will be quite in order and it does not matter in the least that those people could not defend themselves on the floor of the House. I, therefore, submit that it is no point of order that those people are not present here and, therefore, their conduct cannot be discussed here.

The Hon'ble Mr. H. S. SUHRAWARDY: Sir, you cannot abuse a whole class of people and in such filthy language.

Mr. BIMAL CHANDRA SINHA: Sir, I bow to your ruling. I shall refrain from using any abusive language against the very honourable gentlemen who have been imported by the very honourable members sitting opposite and I hope, Sir, you will grant me extension of that time which has been taken up by the uproar from the other benches.

Mr. Speaker, Sir, I would like to say that if the Ministry is afraid of truth, if this Ministry cannot calm down the city even after an effort of 26 days, if this Ministry allows its own party members to roam about in this province preaching violence and intimidation and if this Ministry allows its important officials to go to another province so that people from Bengal may go there to invade that province with a view to get it included in the Pakisthan area—if that be so, it is no wonder that this Ministry will have a soft corner—indeed, a very soft corner for, if not a family resemblance with—the very honourable gentlemen whose conduct we cannot openly criticise inside this House in deference to the traditions of parliamentary debate. I think, Sir, it is time that the people realised that it is not a question affecting one person or the other—it is an offence against humanity. A woman has been molested, I do not say, Sir, that she has been actually raped, it is for the Chief Minister to say or deny that. If that is the charge, Sir, I would say that any vote cast here against this motion censuring the order which seeks to shut out from the public news of such occurrences, any vote cast against that motion would be a vote cast against humanity and cast in favour of beastiality. It is time for the people of Bengal as a whole to rise to a man to pull down from power these honourable members who are adorning the Treasury benches and specially those Quislings who are licking the feet of their Muslim masters in the Cabinet and who are not ashamed to show their faces when a matter of such great shame and humiliation is being discussed on the floor of this House.

Mr. BIMAL COMAR CHOSE: Sir, it is not unnatural that members on this side should be agitated when an order of this nature is issued in support of the police whose conduct we wanted to criticise to-day. Sir, what is the background of this order? The innocent and law-abiding citizens of Calcutta to-day are threatened, are haunted by two nightmares—the knife of the assassin and the brutality and beastiality of some of our guardians of law and order. If a choice were forced upon them between these two gifts of the benign Muslim rule of Bengal, I am not sure if many of them would not have preferred the assassin's knife to the brutality of some of our diabolical protectors. I am afraid the Chief Minister himself cannot disclaim responsibility in the matter. I had the privilege of listening to an oration of the Hon'ble the Chief Minister at a meeting held

in the Calcutta Rotary Club Room in which he made the following statement: "If anything happens," he had warned, "persons who were probably innocent may also be roped in and it will not be palatable to the general public". I do not know if this warning was passed on in the shape of a formal instruction to the Calcutta Police, but as I sat listening to him there advancing certain arguments which flatly contradicted what he had said on the floor of the House on the Police Budget, I was wondering at the masterly skill with which he was playing his characteristic dual role. Little did I then realise or imagine that a section of the Calcutta Police would thenceforth concentrate more on assaulting, arresting and molesting innocent citizens than on rounding up the perpertrators of the crime and the violators of the law.

The Chief Minister like a gallant gentleman that he is has spoken much in favour of these armed policemen imported from the Punjab. On the floor of this House on the Police Budget he presented the Punjabi policemen with a bouquet of rapturous praise and compliments. He had waxed eloquent on the military service they had seen and their sense of discipline. To that the answer is the agonised cry welling forth from the heart of 75 per cent. of Calcutta's population—"Save us from these self-styled protectors whose power of mischief is more vicious than that of the assassin's knife".

Sir, there have been many incidents of arrest, assault and molestation of innocent citizens in Calcutta and there has been that notorious incident at 100, Harrison Road. I am not referring to the story of molestation and the atrocities committed there but I should like to say something about the explosion of the cracker. The cracker was thrown in front of the house and it is believed that it was thrown not from the house but from somewhere else. There is sufficient reason for this belief. The house is located in a predominantly Muslim locality—there is at least a large Muslim population there. On two sides of it it is flanked by Muslim population. There is a Muslim *bustee* behind it. Almost opposite in front runs the famous new Kalabagan Bustee Road. Further, the cracker was thrown just in front of the house and about 25 or 30 yards away from where the nearest military picket was stationed. I ask you, Sir, what could be the sense or reason of that cracker being thrown by somebody from the house in front of the house itself? It is also significant, Sir, that Gurkha pickets which were stationed in that area were withdrawn only four or five days ago. It is also significant that crackers are acquiring a habit of exploding particularly in those areas where there is a large Muslim population and where there are also Punjabi pickets in the neighbourhood.

Sir, if all these incidents of atrocities and assaults are investigated the conclusion becomes irresistible that they are being perperated with a sinister motive, namely, to terrorise the members of the minority community in this city. It is also difficult to resist the conclusion that armed policemen were brought from the Punjab because they were considered particularly suited for the work. Probably Bengalees even though Muslims were not considered sufficiently good enough for that type of work. It becomes evident, Sir, to anybody unless one is determined to see no evil and hear no evil but probably think a lot of evil that the presence of these Punjabi policemen is creating terror in the hearts of 75 per cent. of Calcutta's population. 75 per cent. of the city's population are unsafe and insecure with these armed hordes roaming freely about the streets of Calcutta The Chief Minister had said that the presence of the Punjabi policemen had strengthened the morale of the armed police. I would ask him to narrate the few incidents that have occurred during the last few days in Lalbazar and in Alipore, involving the main constituent element of Calcutta's armed force. If that is the situation, if the presence of the Punjabi policemen adds to the terror of the city's 75 per cent. population, aggravates the communal situation in the city, dislocates trade, industry and commerce and prevents the restoration of normal and peaceful conditions, does it not stand to reason that they should

be asked to pack up their bags and baggages and return to their own homes? Or does the Chief Minister consider that in spite of Gandhi-Jinnah appeal and his warm endorsement of it, this is for him too heavy a price to pay for the restoration of normal and peaceful conditions and for inspiring some mild kind of confidence into the hearts of members of the minority community? Does he intend to continue to play with his masterly skill his characteristic dual role? These policemen deserve no sympathy or support either from the country or from the Chief Minister and therefore this precensorship order should not have been issued at all to safeguard and protect these policemen who have been doing such a great disservice to this city and the Province.

Mr. NIHARENDU DUTT-MAZUMDAR: Sir, I rise to support the adjournment motion which relates to the precensorship order with regard to the activities of the police force in the city. The riots which have been going on in Calcutta have assumed a particularly ugly feature in that it seems that organised gangs are now at work in keeping the riots alive. It was weeks ago when the Hon'ble Chief Minister assured the House that he would take drastic steps to stop the riots altogether, he also got in abundant measures every support from members of this side of the House, and particularly from the Leader of the Opposition. It was the Opposition more than the Hon'ble Chief Minister which advocated very stringent measures with a view to put down riots, but what these measures were to be on that it was expected, when the Opposition took upon itself the responsibility of giving fullest co-operation in their effort to put down riots, that the Opposition would be consulted in respect of the measures to be adopted. It was not for nothing that the Opposition had cheerfully offered its co-operation to the Hon'ble Chief Minister. The Opposition in Bengal, Sir, be it noted, did not emulate the example of the Opposition in the Punjab. The Opposition in Bengal in advance anticipated the appeal which Mahatma Gandhi has issued along with Mr. Mohammed Ali Jinnah. Sir, it would be a good augury if Mr. Jinnah had come forward a bit earlier and deprecated in no uncertain terms these riots and discouraged bloodshed for the purpose of attainment of Pakistan. These riots are not altogether purely communal riots. These riots have a very sinister and deepseated political significance and that is what has made the situation all the more vicious and abominable. Nevertheless the Opposition on this side of the House had already suggested that so far as the life and property of the people of Bengal are concerned, so far as harmony and tranquillity of the Province are concerned, let there be peace and tranquillity. So far as political battles are concerned, let them be fought out in a wider field. In the Province of Bengal where the Muslims have been in power for years and years, the minorities of this Province have never put forward any special demand. They never asked for any weightages or safeguards. They asked for nothing more than being allowed to live peacefully. They wanted justice and fairplay. They wanted nothing more than fair field and fair competition. But, Sir, it is even in that context that the League Ministry advocated, encouraged and even announced Direct Action Day and so on and so forth. It is since August last that under the regime of the Hon'ble Mr. Suhrawardy Bengal and particularly the city of Calcutta has been reduced to a veritable inferno of riots, bloodshed, arson and all the vicious crimes that is blackening the face of humanity in this city. It is in that context that I charge the Hon'ble the Chief Minister with bad faith, I charge him with *mala-fides*, I charge him with double dealing and double crossing the Leader of the Opposition. I charge him with the worst crime against the good faith and co-operation which we had extended on to him for the purpose of putting down riots in the city. Sir, even a consultative committee was formed. What was the purpose of the consultative committee but to deliberate closely and deeply over the measures to be taken in order to put an end to this black chapter in the history of the first city of Calcutta? I regret to say that the Hon'ble the Chief Minister did not rise to

the height of that confidence. Sir, I am sorry to say that the serpent does not value the confidence, the serpent does not value nobility of heart, nor the generous ways in which even its opponents come to offer its co-operation. The Hon'ble Mr. Suhrawardy instead of emulating the example of a gallant and honourable gentleman in taking over the hand of friendship followed the example of a serpent with his tongue divided towards right and left—all the time talking one thing to his followers and to those bandits who are carrying on riots on the one hand and on the other issuing honey-coated and sugared statements like the one he issued day before yesterday to the local press. This sort of statement will no longer deceive anyone. Why should such a situation be allowed to arise in the city of Calcutta where 75 per cent. of the people would be put to panic would be scared and will be put to all manner of apprehensions by the very presence of this police force which has been imported from no other Province—from the Punjab? Even from Arabia, from Turkey, from Persia, from Iran and from any other Muslim country a police force might have been imported. From Asia we had an Asia Relations Conference. The Hon'ble Mr. Suhrawardy might apply to any other State. But the Hon'ble Mr. Suhrawardy chooses a Province whose atmosphere has been vitiated by blood-spilling, by blood lust of community against community. He has imported to Bengal in the city of Calcutta for the restoration of peace and order these hooligans whose hands are stained with blood in their own Province, where brothers are stabbing brothers, where arson is being committed and where worst kinds of crimes are taking place. You know, Sir, today it is known all over India—what is happening in the Punjab? Men whose passions are inflamed——

Mr. SPEAKER: Mr. Dutt-Mazumdar, please come to the point regarding precensorship.

Mr. NIHARENDU DUTT-MAZUMDAR: Sir, this is a necessary prelude to come to that. Sir, it is precisely from such environments and such surroundings that men have been picked up in order to be impored into Bengal to inflict manifold diabolical miseries to the minorities of this Province. So that itself is enough, Sir, to arouse the apprehension of the people. The Press, Sir, has been since August last rendering yeoman's service in the cause of peace and tranquillity. (Laughter from the Muslim League Benches.) When the custodian of law and order has failed, not only failed, but has been encouraging such lawlessness for upsetting law and order and encouraging communal rioting and bloodshed, the Press, at least, Sir, has been helping to ventilate the diabolical crimes in order to stir the human conscience so that some persons, if not all, may look round and try to find out means of stopping them. The Hon'ble Chief Minister has sought to throttle the Press, to muzzle the Press in order to see that murders of the citizens can take place in the black chamber where there may be complete black-out of all news under the pre-censorship order. Mr. ABDUS SABUR KHAN: Not quite as rigidly as in Bihar.) The Mniistry has imposed this Press pre-censorship not because it is interested in the protection of the community as a whole and of the people of the province but pre-censorship has been resorted to in aid of the communal-minded Muslim members in order to draw more blood and ever more blood to stain the soil of Bengal. That is the position Sir, and what is happening today? It is no good denying the fact that in the mind of the 75 per cent of the people of the city of Calcutta there is a grave apprehension. Now what does the Chief Minister propose to do to remove that apprehension? Sir, incidents have taken place which are nauseating and revolting. Incidents have taken place which none else but the worst criminal can boastfully support. None else but a criminal of the first water can connive at such crimes. We know, Sir, how the criminal tribes used to be announced by the Government of India as well as the Government of Bengal. We know, Sir, how these criminals used to be gazetted. We find the Hon'ble Chief Minister had had the distinction of

being gazetted in the House in connection with the 1926 Calcutta riots and the crimes which he had perpetrated on the citizens on the testimony of one of the allies, namely, the Commissioner of Police, Calcutta. Sir, I ask the Chief Minister to enlighten the House if that apprehension is not very very real in the mind of the 75 per cent of the people of Calcutta. What does he—I ask again—propose to do to remove the apprehension? Unless he does something and unless he comes forward boldly and say that he will withdraw that particular section of the police force the very existence of which is a terror in this city there will be no end of trouble, there will be no end to the misery of the 75 per cent of the population. (Cries of "no, no" from the Ministerialist Benches and loud noise from the Congress Benches.) I know, Sir, Mr. Suhrwardy will rely on the black Thugs and terrorise the people to submission, but Bengal will refuse to be terrorised and Mr. Suhrawardy's Ministry will soon crumble and totter to pieces. (Loud cries of "no, no", from the Ministerialist Benches and counter-shouts of "Time is not far" from the Congress Benches.)

Mr. SPEAKER: Order, order:

Mr. NIHARENDU DUTT-MAZUMDAR: My last word is this, Sir. If today Mr. Suhrawardy does not retrace his steps, the day is not far off when—you will see Sir—he will not be over the head of this Ministry in this province. (Loud uproar.)

Mr. ABDUS SABUR KHAN: Mr. Speaker, Sir, all the time we have been hearing with rapt attention the speeches from our friends opposite. We do not understand if the adjournment motion on Press pre-censorship was being discussed on the floor of the House or it was an impeachment of the gallant sons of the Punjab who are here as our best friends, all disciplined soldiers with their inexhaustible stock of war experience. Sir, they came and stood by us at a very dire moment when trained Policemen were absolutely necessary for the maintenance of law and order in this great province. Sir, this amount of hue and cry was not unexpected by a good many of us. After the great Calcutta killing seeing the utter incompetence and inadequacy of the Calcutta Police Government thought it proper to man the Calcutta police force by importing the best sons of the soil, the gallant Punjabi Muslims and Sikhs. Since then a ceaseless campaign of protest has been carried on in the Press—the so-called nationalist press—and stories are being cooked and manufactured to make the Punjabi force unpopular. What is the previous history so far as the Police force in this province is concerned? Sir, not a single protest was raised from 1910 to 1946 when the Calcutta Police or the Bengal Police were composed of 90 per cent of Bihari Hindus and Gurkhas. The so-called Press never said a word. (Loud noise from the Opposition Benches.)

Mr. SPEAKER : Order, order.

Mr. ABDUS SABUR KHAN: Let me now inform the House that the other day Mrs. Vijoy Lakshmi Pundit addressed a party meeting of the U.P. Legislature where a resolution was passed disapproving the composition of the U. P. Police force which consisted of 50 per cent. of Muslims though the Muslim population in that province was only 14 per cent. The meeting also recommended that further recruitment of Muslims must be stopped and proper steps should be taken to remove the disparity and to establish the proportion of percentage in the Police force. But, Sir, what is the position here? Here some Congress members always come forward with a story when ever we try to remove this disparity in the District Police force which is still composed of 87 per cent. of Bihari Hindus and Garwals. Still they have nothing to say and here they do not like to speak anything about parity or about justice at any time. These pseudo-nationalists shout us down from all conceivable platform that they can command if we ever try to speak a word about parity or justice. In every administration, in every civilised

country it is the Police which is after all responsible for the maintenance of its security. That texture of security, Sir, is fabricated by our friends opposite and we do not know which way they want to drag us.

Now, Sir, as to the Press pre-censorship. It is really meant for the service of the province, and I thank the Government of Bengal that better sense—though late—has at last dawned on them. On the 18th August in the afternoon after that great Calcutta carnage I happened to go to the Leader of the Opposition. I told him about the death report of my friend, Mr. P. Das Gupta, which appeared in the Bharat. The Hon'ble Leader of the Opposition expressed absolute regret and condemned in the strongest possible terms the irresponsibility and the corruptness of the Press here who disregarding the responsibility of honest journalism were out to bring about chaos in every way and they had not the slightest idea to be of any use to the security of the life and property of the millions who inhabit Bengal, particularly Calcutta. Now, Sir, what happened in Bihar? My friends opposite are too loud to call it—the introduction of Press pre-censorship—a crime of Mr. Suhrawardy and decry Mr. Suhrawardy's Government. Is the pre-censorship here as rigid as it was in Bihar during the Bihar State killing of Muslims? (Interruption.)

Mr. NIHARENDU DUTT-MAZUMDAR: Is Bihar Government a part of the Government of Bengal.

Mr. SPEAKER: No, but you have made a reference to the Punjab.

Mr. ABDUS SABUR KHAN: Sir, I am not mentioning anything about the Bihar State killing. I am only speaking about the Press pre-censorship imposed by that Government on all news relating to the Bihar atrocities. I am speaking about the Press policy pursued by the Government of Bengal as against the Press policy pursued so rigidly by the Government of Bihar. Sir, what happened at Noakhali? Nothing very—(Loud uproar from the Congress Benches).

Mr. NIHARENDU DUTT-MAZUMDAR: Sir, I think I did not refer to the Noakhali incidents.

Mr. SPEAKER: You referred to the Punjab.

Mr. ABDUS SABUR KHAN: I was going to speak about the rigidity of the press policy pursued by the Bihar Government as compared to the press policy pursued here, and this has hurt my friends. The Ministry of Bihar stopped publishing news about the State killing. Nothing in comparison to Bihar had happened in Noakhali. Sir, 50,000 people of a particular community were slaughtered in that fateful month of October from the 24th to the end in that great Bihar carnage and not a single word was uttered by a single body, not a single piece of news was allowed to be published in a single newspaper nor even had there been a single trunk telephone, not even a postcard could be dispatched from any post office of Bihar. (Cries of "shame, shame" from the Government Benches.) This is the kind of pre-censorship which the Bihar Government imposed; that is the typical black-out that the Bihar Government introduced at the time. Still my friends from the opposite side are so loud in their protest about the liberal pre-censorship imposed here only recently.

I condemn, Sir the policy so far pursued by the Suhrawardy Ministry only because they are always very accommodating and their appeasement policy has stood in the way of the legitimate claims of the Muslims. (Cries of "hear, hear" from the Government Benches and counter cries of "No, no" from the Opposition Benches.) Sir, I am not carried away by sentimentalism like my friends on the other side. We are fully aware that the

Hindus of Bengal are not such a minority as the Muslims in U. P. and Bihar. But, Sir, every concession that we have made, has made them over fastidious, and their ever-growing demands have become intolerable——

Mr. NIHARENDU DUTT-MAZUMDAR: May we know what you have conceded?

Mr. ABDUS SABUR KHAN: Sir, the Punjabi Police force has become the subject-matter of discussion today. As this censure motion has been moved in connection with the alleged police atrocities, I may tell you, Sir, that the Bengal Press is full of irresponsible, half-true and absolutely false statements which have embittered the minds of the people of Calcutta. No doubt, Sir, the Hon'ble the Leader of the House and the honourable the Leader of the Opposition have given their fullest co-operation to put an end to the present riots in Calcutta, but I can tell you that until and unless a sense of honest journalism is cultivated and the Press is alive to their immense responsibility, neither the Leader of the House nor the Leader of the Opposition will be able to suppress the riot by their joint co-operation. For that purpose the angle of vision has got to be changed, and until that is done, it requires the strictest censorship of the press, and for that I welcome the decision taken by the Honble the Chief Minister.

Sir, many things have been said about No. 100, Harrison Road, and they have made a shrine of that place and perhaps they want to make more shrines like that. They may go on attacking the police for their atrocities in their pseudo-nationalist Press. Only the other day, Sir, the police of the other community attacked a bus containing helpless Muslim girls at Chetla. They were attacked most dastardly——

Mr. NIHARENDU DUTT-MAZUMDAR: Were the police of the Government of India or your own?

Mr. ABDUS SABUR KHAN: Well, Sir, we have seen what atrocities have been committed in Noakhali and what had been done in Tippera and what had been done elsewhere. The other day they killed one elderly Muslim lady and an infant child without provocation. But, Sir, it is no use making recriminations now in the wake of June, 1948, let us sit together, and let us be sorry for what has been done in the past: let each of us come forward and put our shoulders together and let us probe into the possibilities of establishing a happier, mightier and greater Bengal.

Dr. PROTAP CHANDRA GUHA ROY: Mr. Speaker, Sir, আমি মিঃ মুখার্জির Adjournment Motion Support করতে দাঁড়িয়েছি। প্রেসের উপর যে Censor প্রয়োগ করা হয়েছে সে Censor কিভাবে প্রযোজ্য হ'চ্ছে সেটা বিশেষভাবে আলোচনা করা দরকার। বাংলার প্রেস সম্বন্ধে আমার বন্ধুদের কতখানি ধারণা আছে জানিনা, কিন্তু আমি বাংলার প্রেস সম্বন্ধে তাঁদের যেটুকু জানিয়ে দিচ্ছি যে সমগ্র world এর Press Representative Indiaর সমস্ত জায়গা ঘুরে বাংলার প্রেস সম্বন্ধে বলে গেছেন যে বাংলার প্রেস যে Caution ও Honesty নিয়ে কাজ করে ভারতবর্ষের অন্য কোথাও সে ভাবের ব্যবস্থা দেখা যায় না। কাজেই বাংলার প্রেস সম্বন্ধে যাদের কোন অভিজ্ঞতা বা বোধ নেই তাঁদের পক্ষে Press Censor করা খুবই স্বাভাবিক, এঁরা প্রেস Censor করছেন অথচ কালকের আজাদে বেরিয়েছে যে ধুতি জামা পরে কোন মুসলমান যেন মুসলমান Quarterএ না যায় কারণ ভুল করে তাঁদের stab করা হ'চ্ছে অর্থাৎ ধুতি জামা পরে যাঁরা মুসলমান Quarter এ যাবেন তাঁদের stab করা হ'বে। এই ধরণের কথা প্রচার করা সত্ত্বেও প্রেস সম্বন্ধে কোনও ব্যবস্থা করা হয়েছে বলে কেউ জানেনা অথচ প্রেস Censor করে অন্য প্রেসের মুখ বন্ধ করতে তাঁদের কোন লজ্জা নেই। আজকে আমরা এখানে এসেছি বাংলার ভাগ্য নিয়ে নড়াচড়া করতে কিন্তু এখানে যে হাল্কাভাবে কথাবার্তা বলা হয় তাতে কোনও গুরুতর বিষয়ের গভীর আলোচনা সম্ভব। সে ভাবের পরিবর্তনের সময় এসেছে। পাঞ্জাবী পুলিশ ১০০নং হ্যারিসন রোডে এবং আরও অনেক ভদ্রলোকের বাড়ীতে ঢুকে যে বিভৎস অত্যাচার করেছে (voices from the Govt. benches

মিথ্যা কথা) আমি জিজ্ঞাসা করতে চাই যে মা বোনের উপর সেইভাবের অত্যাচারের কথা শুনেও যে মায়ের পেটে জন্ম গ্রহণ করেছে তার শরীরের সমস্ত রক্ত ফুটে ওঠে কিনা?-মা বোনের উপর যারা অত্যাচার করেছে তাদের প্রতিরোধ করতে যাঁরা রাজী নয় তাদের চরিত্রের বিশ্লেষণ অনাবশ্যক। আজ আমি বলতে চাচ্ছি যে বাংলাদেশে যে বিভৎসতার স্রোত বয়ে যাচ্ছে তার জন্য সত্যিকারের দায়ী কে? কার হাতে গভর্ণমেন্ট—এ কথা বিশেষ করে চিন্তা করতে হবে। আমি কোন ব্যক্তি বিশেষ বা সম্প্রদায় বিশেষের কথা বলছিনা। আজ বাংলার মা বোনের মান, সম্মান ও ইজ্জত খেলার সামগ্রী হ'য়ে দাঁড়িয়েছে। বাংলার মন্ত্রীত্ব শয়তানের রাজত্বকে ছাড়িয়ে চলছে, আজ আমরা এই ব্যবস্থার প্রতিকার করতে চাই। বন্ধুরা যদি মনে করে থাকেন যে বাংলার হিন্দুদের উপর পাঞ্জাবী পুলিশ দিয়ে অত্যাচার করিয়ে তাদের দমিয়ে দিতে পারবেন তা হ'লে ভুল করবেন। মাত্র ৫।৬ পারসেন্টের মেজরিটির হুমকিতে বাঙ্গালী হিন্দুরা এই অপমান, নির্য্যাতন ও অত্যাচার নীরবে মেনে নেবেনা। বাংলার যে হিন্দু ছেলেরা এক হাতে পটাসিয়াম সাইনাইড ও আর এক হাতে Revolver নিয়ে ভারতের স্বাধীনতা অর্জনের জন্য বেড়িয়ে গিয়েছিল তাদের সাধনা এখনও বিলুপ্ত হয়নি। প্রয়োজন হ'লে মাতৃত্বের অবমাননার প্রতিশোধ এমনভাবে নেওয়া হ'বে যার কল্পনাও আতঙ্কে শিউরে উঠতে হ'বে। বাংলার মা বোনের উপর অত্যাচার করে পাঞ্জাবী পুলিস বিনা প্রতিবাদে ফিরে যাবে এ হ'তে পারেনা—এ আমরা ভাবতে পারিনা। আমি মিঃ সোহরাওয়ার্দ্দিকে জিজ্ঞাসা করছি তার পৈত্রিক সম্পত্তি থেকে আজ এই রাজত্ব চালান হ'চ্ছে নাকি? হিন্দু মুসলমানের রক্তজল করা টাকা দিয়ে যে গভর্ণমেন্ট চালান হ'চ্ছে সে গভর্ণমেন্ট হিন্দুদের উপর যে অত্যাচার করছে এই ইচ্ছাকৃত অপরাধের জন্য আমি তাঁকে দায়ী করছি। আজ দেশ যদি স্বাধীন থাকত, জনসাধারণ যদি জাগ্রত হ'ত তা হ'লে তারা এই মন্ত্রীদের রাস্তায় বের করে নিয়ে প্রকাশ্যে গুলিকরে হত্যা করত তাতে কোন সন্দেহ নেই। সে দিন আসছে বেশী দেরি নেই। বাংলার ছেলেরা তাদের মা বোনের উপর অত্যাচার বেশীদিন আর নীরবে সহ্য করবে না। একথা জানিয়ে দেওয়া উচিত মনে করি যে ধমক দিয়ে, পাঞ্জাবী পুলিশ let loose করে হিন্দুদের দমিয়ে দেওয়া যাবেনা। আমি সমগ্র বাঙ্গালী হিন্দুদের পক্ষে যে দাবী করছি সোহরাওয়ার্দ্দি সাহেবের যদি বিন্দুমাত্র সততার জ্ঞান থাকে, তার যদি লজ্জা থাকে তা' হ'লে তার Resign করা উচিত। (voices from the Governmeut Benches আহাহা ! আহাহা!!) হিন্দুর অর্থে পুষ্ট হ'য়ে হিন্দুর উপর যে Ministry অত্যাচার করছে তার অবসানের দাবী জানাবার অধিকার আমার আছে। আজকে যেভাবে রাজত্ব শাসিত হ'চ্ছে সেটার দিকে বিশেষ করে লক্ষ করবার সময় এসেছে। আমরা জানতে চাই বাংলার হিন্দু সোহরাওয়ার্দ্দি Ministry তে বাস করতে পারবে কিনা এটার সোজা উত্তর দিতে হ'বে। বাংলার হিন্দু টাকা দিচ্ছে, ট্যাক্স দিচ্ছে আর তারা অপমানিত, লাঞ্ছিত এবং তাদের নিজেদের দেওয়া অর্থে পুষ্ট পুলিশের হাতে প্রত্যেক দিন নির্য্যাতীত হ'চ্ছে। এই জন্য আজকে পরিষ্কারভাবে জানবার সময় এসেছে বাঙ্গালী হিন্দু কি করবে? বাঙ্গালী হিন্দু মিঃ সোহরাওয়ার্দ্দির নিকট জানতে চায় তিনি যে Greater Bengal এর স্বপ্ন দেখছেন সেটা কি বাঙ্গালী হিন্দুদের তাড়িয়ে করতে চান? যদি তিনি মনে করেন যে বাঙ্গালী হিন্দুদের আলাদা হ'য়ে থাকতে হ'বে তা হ'লে সে কথা স্পষ্ট করে বলে দিতে হবে।

Hon'ble Mr. H. S. SUWRAWARDY : আপনি কি জানতে চাচ্ছেন?

Dr. PROTAP CHANDRA GUHA ROY : আপনি শুনুন কি জানতে চাচ্ছি।

Hon'ble Mr. H. S. SUWRAWARDY : Press Censor এর বিষয় বলছেন না কি?

Dr. PROTAP CHANDRA GUHA ROY : আপনি শুনুন কি বলছি।

আমরা মিঃ সোহারাওয়ার্দ্দি সম্বন্ধে আজ নূতন ওয়াকিবহাল নই। আমরা তাঁকে বহুকাল থেকে জানি। আমরা জানি তিনি কি করে ধাপে ধাপে কত মূর্ত্তি পরিগ্রহ করে তার সৌভাগ্যের চূড়ায় উঠেছেন। বাংলার হিন্দু জনমত তাদের মা বোনের প্রতি অত্যাচারে ক্ষিপ্তহ'য়ে উঠেছে। তারা শুনতে চাচ্ছে, জানতে চাচ্ছে সোহারাওয়ার্দ্দি গভর্ণমেন্ট তাদের কোথায় কিভাবে নিয়ে যেতে চায়। এটা জানবার অধিকার তাদের আছে। আজকে তিনি Press Censor করেছেন যে কোন খবর বেরুতে পারবেনা। তার পুলিশ কোথায়, কিভাবে কোন হিন্দুর প্রতি বর্বর অত্যাচার করছে সে খবর যেন কেউ না জানে। অন্ধকার রাত্রিতে বাড়ীতে বাড়ীতে পুলিশ পাঠিয়ে বাড়ীর মেয়েদের উপর অত্যাচার করবেন, তাদের নির্য্যাতন করবেন, সে খবর চেপে দিয়ে কৌশলে গোপন করতে চান, এই হ'ল তার প্রেস Censor এর

একমাত্র উদ্দেশ্য। তিনি বাংলার শান্তি রক্ষা করতে পারেননি। তিনি fail করেছেন। মুসলমান হয়ে চিৎকার করছ ভাই। বাঙ্গালী মুসলমান পুলিশ থাকলে কেউ আপত্তি করত না কিন্তু আজকে পাঞ্জাব থেকে গুন্ডা আমদানী করে বাংলার মা বোনদের উপর অত্যাচার করা হ'চ্ছে। যাদের বাংলার মা বোনদের প্রতি বিন্দুমাত্র শ্রদ্ধা নেই তাদের let loose করে যে সমস্ত কুকর্ম্ম করান হ'চ্ছে জানেন এই চাকা ঘুরে যাবে তখন এই বর্বরতার স্বরূপ দেখে আঁতকে উঠতে হ'বে। আমি সে জন্য বলছি যদি বাংলা শাসন করতে হয় তা হ'লে বাংলা হ'তে পাঞ্জাবী পুলিশ immediately withdraw করে বাংলার লোক নিয়ে পুলিশ বাহিণী গঠন করতে হবে। বাংলার হিন্দু-মুসলমান নিয়ে বাংলার পুলিশ বাহিণী এমনভাবে গঠন করতে হ'বে যে বাংলার হিন্দু-মুসলমানের মিলিত চেষ্টায় অশান্তি দূর করা সহজ ও সম্ভব হয়। আর তা যদি না করা যায় তা হ'লে ভদ্রলোকের মত মিঃ সোহরাওয়ার্দ্দির Resign করা উচিত। আর তাও যদি না হয় তা হ'লে বাধ্য হ'য়ে বাংলাকে ভাগ করবার আয়োজন হিন্দুদের নিজেদের হাতে নিতে হ'বে। বাংলার ঘরে ঘরে যে অশান্তির আগুন জ্বালিয়ে দেওয়া হ'চ্ছে সে আগুনের দাহিকা শক্তির বিরাট লেলিহান জিহ্বা নির্বাণের ক্ষমতা সোহরাওয়ার্দ্দি সাহেব বা তার দলের হ'বেনা। তাই সময় থাকতে সংযত হ'তে বলছ। বাঙ্গালী আজ নীরবে তাদের মা-বোনদের উপর অত্যাচার সহ্য করবে না যদি এর কোন ব্যবস্থা করা না হয় তা হ'লে এর প্রতিকারের জন্য—প্রতিশোধের জন্য বাংলার হিন্দুকে প্রস্তুত হ'য়ে কাজে নাবতে হ'বে। যে civil war এর প্রাথমিক আয়োজন করা হ'চ্ছে সে civil war যদি অবশ্যম্ভাবী হয় তার জন্য বাংলার হিন্দুকে সময় থাকতে প্রস্তুত হতে হবে। আমি আবার মিঃ সোহারাওয়ার্দ্দি সাহেবকে অনুরোধ করছি "তেরা কুত্তা ঘুমায় লে"।

Mr. A. M. A. ZAMAN : মিঃ স্পীকার স্যার, আজকে হাউসে adjournment motion সম্বন্ধে আমার বক্তৃতা দেওয়ার দরকার ছিল না। কিন্তু কয়েকটি কারণ না দিয়ে পারলাম না। আমি congress nominee একথাটা আমি ভাল করেই জানি (voices মোটেই না, resign করো, resign করো interruptions) opposition থেকে আমাকে বলা হচ্ছে মেম্বরশিপ resign করতে। আমি জানি আমি এবার congress nominee হয়ে এসেছি। কিন্তু গতবার যখন আমি কংগ্রেসের nominee ছিলাম না (loud noise disturbances from the opposition benches) খোদার ইচ্ছায় নিজেত এসে ছিলামই এবং অপরকে অর্থাৎ যাহারা কংগ্রেসের মধ্যে এখন বসে আছেন তাহাদের দুই-একজনকেও এনেছিলাম (repeated interruption from the opposition benches) সেই সময় কংগ্রেসের nominee না হয়েও আমি নয় বৎসর কংগ্রেসের সঙ্গে ছিলাম সুতরাং তার পরিবর্ত্তে এবার আমাকে নয় বৎসর সময় দাও তারপর মেম্বরশিপ ইস্তাফা দিব। যাঁরা আজ কংগ্রেসের নামে নিজেদের পরিচয় দিতে চায়, তাঁরা হিন্দু মহাসভার ডাঃ শ্যামা প্রসাদ মুখার্জিকেও বহু দূরে সরিয়ে দিয়া এমন communal ভাবে বক্তৃতা করছেন (Interruptions from opposition benches) তাঁহাদের নজির সারা ভারতবর্ষেও খুঁজিয়া পাওয়া যাইবে না। (shame, shame) গত বৎসর হ'তে আমি তাঁদের পেছনে বসে থেকে তাঁদের অর্থাৎ তথাকথিত Congress Assembly পার্টির বক্তৃতা শুনেছি কোনদিন তাঁহারা communalism ছাড়া বক্তৃতা করেননি। আজ কংগ্রেসের মুখে এই সব বক্তৃতা শোভা পায় না।

কিছুদিন পূর্বে যখন পাঞ্জাবী মুসলমান armed পুলিশ বাংলায় আমদানী করা হয় তখন হতে তথা কথিত Nationalist paper ও কংগ্রেস, হিন্দুমহাসভার নেতাগণ তার বিরুদ্ধে তীব্র আন্দোলন আরম্ভ করে। এবং একটা সুযোগ খুঁজিতেছিল যে কিভাবে পাঞ্জাবী মুসলমান সিপাহীদের উপর দোষ চাপাইয়া তাহাদের বাংলা হইতে বিদায় দিতে পারে। আমি জানতে চাই এই যে ১০০নং হ্যারিসন রোড ইহা কি সেই হ্যারিসন রোড (noise disturbances) যেখানে আমাদের গত ministry র সময় assembly র মেম্বরদের লুকাইয়া রাখিতাম? (noise interruptions from opposition benches— আপনি বসুন, বসুন) opposition এর মেম্বরগণ কি বলতে পারেন যে ভদ্রলোকটি ঐ ১০০নং হ্যারিসন রোডে ছিল তার নাম কি? তাঁর দেশ কোথায় এবং তিনি কাজই বা কি করেন? আর এই যে ভদ্র মহিলাটি তিনিই বা কি করেন, এবং কোন উদ্দেশ্যে ঐ ১০০নং হ্যারিসন রোডে ছিলেন? ইহা সেই কাকার সঙ্গে ভেসে আসার মত নয়তো। আজ যদি Congress Assembly পার্টির মেম্বরদের সদিচ্ছা থাকত তবে পাঞ্জাবী মুসলমান সিপাহীদের বিরুদ্ধে না বলে পাঞ্জাবী শিখ, নেপালী, পারোয়ানী, গুর্খা, আসামী ও বিহারী হিন্দুদের সরিয়ে দিয়ে বাঙ্গালী হিন্দু ও মুসলমান

সিপাহী রাখবার জন্য অনুরোধ জানিয়ে আন্দোলন আরম্ভ করতেন। কিন্তু তাঁরা তা চান না। কথায় বলে "পাঞ্জাবী শিখ মোদের মাসতুতু ভাই। নেপালী, গাড়োয়ালী, ভুটানী, মোদের পিসতুত ভাই। ভাইতো তোদের কি আমরা ভয় পাই"। তথা কথিত (.....disturbances & noise.....) কংগ্রেসীরা চায় যে তাদের মাসতুতু পিসতুতু ভাই সব থাক এবং তাদের দ্বারা অন্য communityর লোকদের যথেচ্ছ অত্যাচার করুক। গত দুই দিন পূর্বে নেপালী ও অন্যান্য হিন্দু সিপাহী দ্বারা চেতলাতে মুসলমান মেয়েদের উপর যে অমানুষিক অত্যাচার হয়েছিল সে সম্বন্ধে তথা কথিত Nationalist Paper ও কংগ্রেস নেতাগণ টুঁ-শব্দটী পর্য্যন্ত করছেন না। আজ Press Censor হয়েছে, তার জন্য এত চেঁচামেচি কেন? (....interruptions & contd. loud noise and voices resign, resign.)

Mr. SPEAKER : I notice that too much disturbance is being created by this side (showing left) of the House. This is not proper.. ...

Mr. HARIPADA CHATTERJEE : Let him resign from the Congress and then speak against us.

Mr. SPEAKER : Honourable members ought to know that when the chair is on his legs no member has got the right to say anything. This must be known to every honourable member here in this House.

Mr. HARIPADA CHATTERJEE : Sir, had it been any other country, Mr. Zaman would have felt the consequences of his action.

Mr. NIHARENDU DUTT-MAZUMDAR : Sir, with regard to your previous statement I must tell you that both sides of the House have been creating disturbances.

Mr. SPEAKER : I say that neither side should create any disturbance. I would request members of both sides of the House and I would seek assistance from the leaders of the parties so that the dignity of the House may be properly maintained.

Mr. A. M. A. ZAMAN : আমি resign এর ভয় করি না। আমি resign করলে, পুনরায় আমি returned হতে পারবো। (A voice— শুধু মুখে বলে resign নয়, লিখে resign কর) হ্যাঁ, আমি লিখেই resign করবো, মুখে নয় (Voices—এখনই resign করো, resign করো) আমার মনে হয় ১০০নং হ্যারিসন রোডে নিগূঢ় রহস্য আছে। যদি ইহা সত্য হয় তবে পরিতাপের বিষয়। ভবিষ্যতে এইরূপ যাহাতে না হ'তে পারে তাহার জন্য সর্বতোভাবে চেষ্টা করা কর্ত্তব্য। আজ পুলিশের কার্য্যকলাপ সংক্রান্ত সংবাদ প্রকাশ করবার পূর্বে সেনসার করাইবার জন্য যে অর্ডার দিয়াছেন এইরূপ যদি নোয়াখালীর সংবাদ ও সেনসার করাইয়া সত্য খবর প্রকাশ করিতে দিতেন তাহা হ'লে হয়ত বিহারের ঘটনা ঘটত না। নোয়াখালী রিপোর্টে দেখা যায় যে সেখানে মাত্র দুই চারটি মহিলা ধর্ষিতা হয়েছে, অথচ এই তথাকথিত Nationalist কাগজ ওয়ালারা অন্যান্য হিন্দু নেতারা পঞ্চাশ হাজারেরও অধিক মহিলা ধর্ষিত হয়েছে বলে বলিয়া প্রচার করছে। বিহারেতো কংগ্রেস গভর্ণমেণ্ট পরিচালিত সেখানকার কোন সংবাদই সেনসার ছাড়া বাহির হতে পারে না। তার জন্যে তো একটুকু শব্দও করতে আমাদের কংগ্রেসী বন্ধুদের দেখি না! প্রতাপবাবু জবাব দিয়ে হিন্দু ছেলেদের উত্তেজিত করবার চেষ্টা করছেন। এই সব লোকই দাঙ্গা বাঁধায়। (loud noise & disturbances) আজ এই পর্য্যন্ত।

Mr. JYOTI BASU : Mr. Speaker, Sir, in rising to speak on this adjournment, I feel a little diffident because already that order censuring all atrocities of the police force of Bengal has been passed by the Government. The Government, which has by now made itself famous by not ruling through the ordinary laws of the land but by ordinances, has at long last been successful in taking us back to the evil days of Sir John Anderson. Even in conformity with the ordinances the police have not been acting properly. We have found and everybody knows this fact that the police all over Bengal have let loose terror which is unparallelled even in our dark country.

Mr. Speaker, Sir, we have seen that in Jalpaiguri, Dinajpur, Khulna Mymensingh and other places, the police terror was let loose as a result of which more than 70 kisans have been shot dead and amongst them there were women and children. More than 20 women have been dishonoured and outraged by Mr. Suhrawardy's policemen. Sir, more than 10,000 kisans have been arrested without any charge against them. After their arrest, charges are now being framed against them. In spite of this, in spite of the lawlessness in the whole of Bengal to which I have attempted to draw the attention of the House and of the Government times without number—Government is well aware of those charges which I brought forward against it—nothing has been done. Therefore, it is no new thing that today in the heart of Calcutta—about a mile away from the Writers' Buildings and from where we are speaking and legislating—in Harrison Road and other places the police are carrying on their atrocities, dishonouring our mothers and sisters. But I find, to my shame, there are people here who even on the question of police talk on communal lines.

Mr. Speaker, I know that the police who have been recruited from the Punjab have committed atrocities—of course, there is no doubt about it. This must be specially mentioned because Mr. Suhrawardy said that to maintain law and order, to bring back peace in this unhappy land, the Government were recruiting some trained people from the Punjab because perhaps he thought the Bengalee Muslims could not be cruel, the Bengalee Muslims could not probably outrage the decency of our women folk in this country. Therefore, following the imperialist tradition, Mr. Suhrawardy imported his police from other provinces. That has always been the case—it is nothing new. It has always been the policy of our imperial masters to take away people from one province and export them to another province. That has always been their game. Mr. Suhrawardy is also doing that. Therefore, there is nothing new in the situation. What is new in the situation is that today we find that it would be impossible from now for us to publish anything in the press without Mr. Suhrawardy's consent or his officers' consent.

Just at the beginning of this debate, Mr. Suhrawardy, to my amazement, displayed certain things which are rather curious and which have got to be enquired into—that also may form the subject-matter of another adjournment motion. An order has been issued censoring news of atrocities by the police. Mr. Suhrawardy does not know about it and he had to be handed the daily paper to read the order. Mr. Suhrawardy sometimes is not even consulted by the officers. They care a tuppence for him. Mr. Martyn and others do not even show the order to Mr. Suhrawardy because they have been told by probably the Minister that they need not show it to him. They can do whatever they like. I know of secret order which was issued with regard to the *tebhaga* movement. Mr. Suhrawardy knew nothing about it and it had to be brought to his notice by us. I do not blame the ordinary police who have been perpetrating these outrages on our people, but I blame the officers, the Magistrates, the Police Superintendents, the police officers and the Subdivisional Officers who have been instigating the policemen to carry on the ravages in the countryside and in Calcutta. That is the deliberate policy of the Government otherwise I do not believe that Mr. Suhrawardy cannot stop these police outrages. I cannot believe that Mr. Suhrawardy cannot in a moment stop these minions of law and order from carrying on lawlessness in our countryside and in Calcutta—I do not believe it. Therefore, I think it is the deliberate policy of the Government and that is a thing which has got to be considered by us. I specially appeal to the Muslim League benches. They have been shouting themselves hoarse over the question of Bengal or Punjab, over the question of religion of policemen, and sitting here I have heard them so many times. Talk about Noakhali, and they try to make out that it

Noakhali the Muslims are being tortured by policemen. Another example was given just now by one of our friends on the Muslim League benches about the police atrocities. I ask them, if that is so, what is your Mr. Suhrawardy doing? If atrocities are being committed on innocent Muslims, why can't you stop this Government from committing these atrocities? Let us arise and join together and say that this police force shall not oppress us, Let us say that we shall defend ourselves. If required, violence shall be used against violence. Never shall we tolerate our womenfolk being violated by these foul murderers—the policemen of Bengal. Never shall we tolerate that this bankrupt Government shall rule over us in this way by acting in an outrageous manner by not doing anything for the people.

In conclusion, let me once more appeal to all members in this House that wherever there is an outrage—whether in the far off village or in Calcutta, we must rise as one man to protest against this and not wait for the incident at 100, Harrison Road where an outrage was committed against our womenfolk. For, if that had been done and if all along we had protested against this barbarism of the police, I am sure, today sitting here in this House we would not have felt so helpless as we are feeling today. We are legislators, but we find Mr. Suhrwardy and the Government pass through this House anything that they like. They rule us with ordinances and order and yet we are to sit here day in and day out and carry on with the mockery of legislating.

(At this stage the member having reached the time-limit resumed his seat.)

Mr. SPEAKER : Mr. Hodge.

Mr. TAFAZZAL ALI : Mr. Speaker, will you kindly remember me next time? I have risen several times.

Mr. SPEAKER : That I cannot say.

Mr. H. ROWAN HODGE : Mr. Speaker, Sir, the Party which for the time being, I have the honour, to act as leader, share with every other honourable member of this House the horror of stories of violence and outrages, but we believe that it is an essential fundamental of any good Government that law and order must be maintained. Now, Sir, law and order cannot be maintained if there is no restraint on allegations against the police. The police, if they are to be attacked politically whenever they take action, will feel that they have no support. On the other hand, I would respectfully say to the Hon'ble Chief Minister that when incidents of the kind under discussion are alleged to have taken place, a statement should be made by Government in the press not later than 24 hours afterwards and giving correct information and figures. If a statement is withheld it may take days or weeks or so to make a public announcement; in the meantime all sorts of speculation takes place and rumours and allegation are made.

Now, Sir, I do not propose to take up the time of the House. We, on these benches, will reserve our attitude to this motion until we have heard the reply from the Hon'ble Chief Minister. I have used the word "restraint" more than once, Sir. I would appeal to all honourable members in a matter of this kind to be restrained, because we want to get at the truth and not again to get to violence. I would similarly ask, with great deference, the Hon'ble Chief Minister in replying to this motion to exercise restraint.

(Mr. Tafazzal Ali rose to speak).

Mr. SPEAKER : Mr. Tafazzal Ali, you will speak just after Dr. Banerji.

Dr. SURESH CHANDRA BANARJEE : মিঃ স্পীকার স্যার—সহরে সাহেব তাঁর বক্তৃতায় পাঞ্জাবী পাঠান পুলিসদের প্রশংসা করে অনেক কিছুই বলেছেন। তিনি বলেছেন যে তারা এখানে এসেছেন শান্তি স্থাপন করতে। খুলনা হতে তিনি নির্বাচিত, কলিকাতার অবস্থা সম্বন্ধে এবং পাঞ্জাবী পুলিশ কোথায় কি কাজ করছে সে সম্বন্ধে তার কতটুকু অভিজ্ঞতা আছে আমি জানি না। আমি কলিকাতা শ্রমিককেন্দ্র হতে নির্বাচিত, কলিকাতায় যে সব অঞ্চলে দাঙ্গা হাঙ্গামা বিশেষ করে চলছে সেই সব যায়গায় লোকের ভোটেই আমি এই ব্যবস্থা পরিষদে এসেছি, আমি প্রতিদিন ঐ সব অঞ্চলে ঘুরে বেড়াই এবং সেখানকার সত্যকার অবস্থা কি সে সম্বন্ধে আমি অনেক কিছুই জানি। আমার সময় কম নইলে সেখানকার বর্ত্তমান অবস্থা বুঝিয়ে দিতে পারতাম এবং পাঠান পুলিশ কিভাবে বাংলায় শান্তি স্থাপন করছে বুঝাতে পারতাম। ইন্টালী এলাকায় মতিঝিলে পাঠান পুলিস ৬০ হাজার মুসলমানকে লেলিয়ে দিয়ে ২৯শে মার্চ সেখানকার ৪০ হাজার হিন্দুকে তাড়িয়ে দিয়েছে। মতিঝিলের এই ৪০ হাজার হিন্দু গত আগষ্টের ব্যাপক হাঙ্গামার সময় এই বস্তিতে বাস করতে পেরেছিলেন। তারপরের দাঙ্গার সময়ও তারা সেখানে থাকতে পেরেছিল কিন্তু এবারে পারল না কেন, তার অনুসন্ধান হওয়া আবশ্যক। আমি Entally র এ বস্তি আজ সকালে নিজে দেখে এসেছি, দপ্তরে সোভান সাহেবকেও দেখিয়েছি। আপনারা অনুগ্রহ করে যদি সেখানে যেতে চান আমি আপনাদের সঙ্গে করে নিয়ে গিয়ে দেখাতে রাজি আছি। এটা স্বপনের কথাও নয়, এটা কোন গোপন কথাও নয়। আপনারা একবার সেখানে গেলেই সব দেখতে পাবেন। বেলেঘাটায় হিন্দুদের সংখ্যাই বেশী। অথচ সেখানকার ধর বাগানের মুষ্টিমেয় মুসলমান কত হাজার হাজার হিন্দুকে বাড়ীঘর থেকে তাড়িয়ে দিয়েছে। এটা সম্ভব হয়েছে শুধু বন্দুকধারী পাঞ্জাবী পুলিশের সহায়তায়।

তারপর বেলেঘাটা রাস্তাধারে একটু এগিয়ে গেলেই দেখা যাবে মিঞাবাগানের চারিদিকে হাজার হাজার হিন্দুর বাস কিন্তু সেখানেও মুষ্টিমেয় মুসলমান শুধুমাত্র পাঠান পুলিশের সাহায্যে অনেক হিন্দুর বাড়ীঘর জ্বালিয়ে দিয়েছে। এরূপ ঘটনা আগষ্টের দাঙ্গায় সম্ভব হয় নাই, অক্টোবর দাঙ্গায়ও সম্ভব হয় নাই, কিন্তু এখন সম্ভব হচ্ছে কেন? আগেই বলেছি। তারপর উল্টাডাঙ্গাতেও ঐ এক অবস্থা। কাশীপুরে যেখানে শতকরা ৮০ জন হিন্দু বাস করে, সেখানেও পাঞ্জাবী পুলিশের সাহায্যে মুষ্টিমেয় মুসলমান হিন্দুদের তাড়িয়ে দিচ্ছে। আমার সময় কম নইলে এ ধরণের আরও অনেক দৃষ্টান্ত দিতে পারতাম।

একটা কথা আমার বারবারই মনে হয় এসবের পিছনে একটা সুচিন্তিত পরিকল্পনা রয়েছে। কারণ যাঁরা মুসলীম লীগ পন্থীয় বাংলাকে মুসলমানের বাসভূমিতে পরিণত করাই তাদের উদ্দেশ্য; কিন্তু বাংলাকে মুসলমানের বাসভূমিতে পরিণত করার মানে এই যে সেখানে কোন হিন্দু থাকতে পারবে না। তাঁদের কার্য্য-কলাপে এ ছাড়া আর কি মনে হতে পারে?

এই উদ্দেশ্য নিয়েই ১৬ই আগষ্ট কলিকাতায় গুন্ডাদের হিন্দুদের উপর লেলিয়ে দেওয়া হয়েছিল। এই গুন্ডাদের কর্ত্তা কে তা আমরা ভালভাবেই জানি। আমি অবশ্য এখানে তার নাম করতে চাই না কারণ সবাই সে গুন্ডার সর্দ্দার ও গুন্ডার নেতাকে চেনেন। তিনি কলিকাতায় সকল গুন্ডাকেই চেনেন এবং তিনিই তাদের কলিকাতায় হিন্দুদের উপর লেলিয়ে দিয়েছিলেন। কলিকাতায় যেসব অঞ্চলে শতকরা ৮০।৯০ জন হিন্দু বাস করেন সেখানেই তাদের বিশেষ করে লেলিয়ে দেওয়া হয়েছিল। তিনি হয়তো মনে করেছিলেন এর ফলে কলিকাতা মুসলমানদের কবলে আসবে।

আগষ্ট হাঙ্গামার অল্প আগে মাননীয় মন্ত্রী সাহেব বলেছিলেন যে, তিনি হবেন স্বাধীন বাংলার প্রথম নবাব। ১৬ই আগষ্টের মুসলমান গুন্ডাদের হিন্দু জনসাধারণের উপর লেলিয়ে দেওয়ার মূলে এই আশাই ছিল বিশেষভাবে কার্য্যকরী। কিন্তু হিন্দুরা রুখে দাড়ায় বলে তাঁর এই ইচ্ছা পূর্ণ হয় নাই।

যেই রাজনৈতিক উদ্দেশ্য সিদ্ধির জন্য কলিকাতায় দাঙ্গার সূচনা, সেই উদ্দেশ্য কলিকাতায় সফল না হওয়ায় মুসলীম লীগপন্থীদের দৃষ্টি পড়ল হিন্দুবিরল পূর্ববঙ্গের দিকে। ফলে নোয়াখালী ও ত্রিপুরায় যেসব অমানুষিক অত্যাচার অনুষ্ঠিত হয় তার ফলে আজ সেখানকার সকল হিন্দুই ভয়ে ভীত ও সন্ত্রস্ত। পূর্ববঙ্গের হিন্দুরা আজ যে কি অবস্থায় সেখানে বাস করছে তা বোঝান কঠিন। একটি রাত্রি কেটে গেলে তারা মনে করে, যাক আজকে রাতটাতো ভালই কাটল, আবার পরের রাতের জন্য তারা ভাবনা থাকে।

মুসলমানরা যেখানে সংখ্যাধিক্য তাই এধরণের অত্যাচার সেখানে সম্ভব হচ্ছে। পূর্ববঙ্গকে এভাবে সায়েস্তা করে কলিকাতাকেও সায়েস্তা করার উদ্দেশ্যে মুসলীমলীগ গভর্ণমেন্ট কলিকাতায় পাঠান পুলিশ আমদানী করে।

Mr. TAFAZZAL ALI: Mr. Speaker, Sir, I have heard with rapt attention but with growing alarm in my mind the highly emotional speeches made by some honourable friends sitting in the Opposition. Little do they realise what baneful effect will be created by such highly emotional speeches made on the floor of this House. I am pained to see that the level of this evening's debate has been brought to a much lower level than the debate on the last August disturbances. I must point out in the beginning that the honour of women is sacred to the Muslims irrespective of any caste or creed. If a particular man has committed any offence with regard to a woman and if it is proved beyond reasonable doubt in a court of law, I am sure the Muslims will be as glad as my Hindu brethren on the floor of this House to have him convicted. But, Sir, I certainly realise the effect of such emotional speeches. Introducing the art of Mark Twain in discussing the 100, Harrison Road incident under the garb of a resolution in this House is certainly going to prejudice the accused in his defence before a court of law. Being fair-minded people they should not have, on the floor of this House launched upon a criticism of this type. Sir, the Hon'ble Mr. Suhrawardy is being indicted for what is termed "gagging" the Bengal Press. But, Sir, without any fear from any quarters I can certainly accuse Mr Suhrawardy for many of the calamities that took place in different parts of India, which are certainly due to the weakness shown by Mr. Suhrawardy towards the Bengal press. I do not want to reiterate what has happened in the different parts of India. But, at the same time, my friends should realise that it has been done with the best of intentions. It has been done with the intention of preventing spread of a further conflagration in the city as well as in the province. Sir, I have heard often on the floor of this House it being said: "Why are not longer curfew hours imposed in Calcutta?" I have heard an opinion of this type from enlightened quarters in the city of Calcutta, why did not the Government of Bengal emulate the example of Delhi in imposing very long hours of curfew. Now, Sir, I feel that long hours of curfew have been necessitated by the ugly incidents in this city of Calcutta I have again seen in the columns of an enlightened journal, which I need not name, that curfew hours are certainly insensible. I do not know which way Mr. Suhrawardy should move. If the police did not open fire on a crowd, I have heard it has been stated on the floor of the House that the police are inactive. And if the police have opened fire, it has been stated that the police have committed excesses. My friends must be prepared to pay back in their own coins after having made emotional speeches. Before my friends indict the Punjabi police they should remember for a moment what is being done by their co-religionists imported from Nepal. Have my honourable friends of the Opposition thought what their co-religionists the Gurkha Armed police had done on the 18th April in Alipore, an incident which had its origin in maltreatment of a Hindu boy by some drunken Gurkha which was resented by some Muslims. This was taken as a signal of war by the Gurkha Armed police residing on Raja Santosh Road. They did not come to attack the Hindu boy. They did not even care to come to the place of occurrence, but a body of Gurkha Armed police invaded the Muslim *bustee* in Raja Santosh Road, and I am sure my honourable friends will certainly be equally sorry to learn that the Gurkha Hindu police did not hesitate even to assault Muslim women. (Cries of "shame, shame" from Government party benches.) Does this redound to the credit of the Hindu Armed police of Calcutta?

Sir, we are very fortunate that such highly emotional speeches have not fallen from the lips of the honourable leader of the Opposition or Mr.

J. C. Gupta or Mr. Satish Chandra Bose and a host of other responsible members of the Opposition. We are fortunate on that score, Sir. But the honourable gentlemen who want to indict the Punjabi police for a single act ought to remember what is being done by the Gurkha police. It is the *goondas* who have to fear the Punjabi police in Calcutta; it is the mischiefmongers, it is the agent provocateurs who should fear the Punjabi police. It is said that crackers are thrown by agent provocateurs. It is said that the Muslims are agent provocateurs. Now, will my friends concede that Muslims also are killed by agent provocateurs? Agent provocateur is a nice term. It can be used according as it suits my honourable friends. Again, Sir, I would submit that I am not one of the exponents of the theory of violence. That is why I would reply to the challenge thrown out by Dr. Guha Roy that Muslims are not prepared for a civil war. In spite of the challenge of Dr. Guha Roy Muslims do not want to take part in a civil war, and in spite of the threats of my honourable friends of the Opposition Muslims of Bengal will try to live side by side with their Hindu brethren peacefully and they refuse to accept the challenge, the gauntlet thrown by Dr. Guha Roy. (Cries of "Hear, hear" from Ministerialist benches). My friends will be surprised to hear that on the 27th March in Uma Das Lane off Corporation Street one Muslim was stabbed, and the Gurkha police connived at this murder. I wrote to the Commissioner of Police, and with the same amount of vehemence I would have addressed a letter to the Commissioner of Police if the Muslim police had behaved in the same manner. (A VOICE FROM CONGRESS BENCHES: Have you done it?) The Commissioner of Police replied that the matter was being enquired into.

Sir, I do not want to take any more time of the House. In conclusion I would say that the emotional speeches of my friends remind me of a few lines of Shakespeare's *As You Like It*—"My friends have imagination" and in the language of Shakespeare I would say they find books in brooks and tongues in trees.

Mr. I. D. JALAN: Mr. Speaker, Sir, speaking on the adjournment motion regarding the pre-censorship order, I submit that we know it for certain that hundreds of incidents are occuring in the city of Calcutta and outside the city and in this Province, but may of them are not taken notice of in the press of this Province. It is only when a bloodcurdling incident like the one at 100, Harrison Road, occurs that the press has to do its duty, and it is only on occasions like this that the press has got to create an agitation, so that such an incident may become an impossibility We know, Sir, that in Muktaram Babu Street three persons were shot by the Punjabi police simply because they violated the curfew order, and did not want to be taken through a *mahalla* which was the notorious Kalabagan *bustee* area. We know what has happened at Harrison Road, 35, Banstala Street, in Bangore buildings. These things were not taken much notice of in the press. It is only when the incident of 100, Harrison Road, in which the honour of a woman was at stake occurred, that the press drew the attention of the public. If you say that even an incident like this should not be referred to in the press, then where is the civil liberty? Press must be allowed to offer fair criticism in such cases about the activities of the Police, so that the Police might not commit whatever atrocities they may like. It is from this angle of vision that this adjournment motion has been moved in this House. There are numerous incidents we have come to know of in which the Police has shown considerable inactivity. Within a furlong from the Gobra police-station loot and arson went on for two hours but the Police did not take action. (A VOICE FROM THE GOVERNMENT BENCHES: Marwaries, should go away.) Why are you referring to Marwaries? Marwaries are as much the children of this

soil as others. They have lived for generations and have every right to remain. You have soft corner for your co-religionists from Punjab who are committing these excesses but not for Hindus.

But how does the question of Marwari come in?. I represent Calcutta West (General) Constituency and represent not only Marwaris but even Bengalis. Whenever we rise to speak, you simply call out "Marwaris" "Marwaris". What do you mean by that? I strongly protest against it. (Uproar and interruptions.)

The Hon'ble Mr. H. S. SUHRAWARDY: I must request a certain amount of order.

Mr. SPEAKER: Mr. Jalan, your time is up

Mr. J. C. GUPTA: I think, if the Hon'ble Mr. Suhrawardy really believes that these Panjabi policemen are a gallant lot, he has done the greatest injustice to them by publishing this banning order today. Does he not realise that when the adjournment motion was moved to consider the alleged atrocities, and I am saying alleged atrocities, committed by these Punjabi policemen and when it was fixed for discussion in the Assembly to-day, it has been most inopportune, most inexpedient, if I may say so, an unwise thing, to ban all news about police atrocities? Mind you, all things about police atrocities, not news of police atrocities committed to correct *goondas*, but all news which will include any atrocities committed upon women. Secondly, does he not realise that when this news which has not been promptly contradicted by him about which he has not published a statement which would have reached the public, when women have seen him on deputation, when at least Hindu minds have been stirred, by banning the news today when this matter was going to be discussed, he has given cause for the Hindus to believe that his Punjabi policemen are not a gallant lot, they are guilty people, therefore, the Prime Minister has resorted to this banning of the news this morning? Sir, that is how I look at it. Apart from the general question of banning news pre-censorship of news is always grudged by the press as also the public, particularly when there is a complaint that some news is being kept back and not being allowed to be published. I say again it has been doubly wrong and doubly tactless on his part to ban all the news today. He has got to consider the effect that this banning of news will produce in the minds of the Bengalis who have read all these atrocities already and who will not be able to know anything in detail about it because of his untimely banning of the news that he has done. I think it is an insult to this House. This subject was scheduled to be discussed to-day and he should not have banned the news to-day.

Mr. KIRAN SANKAR ROY: Sir, before the Hon'ble Chief Minister replies I just want to put a question, so that he may deal with it in his reply, or you can give a ruling. I wish to know if the press will be allowed to publish reports of today's discussions in the House without submitting for censorship before publication.

The Hon'ble Mr. H. S. SUHRAWARDY: The answer to the last question is that if anything appears in the press which is against the order as it stands, the order will apply.

It appears that there is a great deal of misapprehension, misunderstanding or misrepresentation regarding the extent of this order. There is no banning of any news; if the *press-note* is read, the honourable members will find that there is no banning of fair criticism. All legitimate reference to police activities will be allowed, but nothing will be allowed that may excite hatred, contempt or disaffection against police force, and we stand by it, because we have recently seen unrestrained exhibition of onslaught on the police, which has had the most disastrous effects on law and order within the city.

Sir, I am prepared to agree that it is undesirable that in Bengal we should have armed policemen from other provinces of India. It has been necessary for us to get these Punjabi Muslims, Gurkhas, Assamese and others, because up till now Muslims or Hindus of Bengal have not directed their attention towards taking services in the armed branch of the police force. I hope, Sir, that the time will come when we shall be in a position to displace these people, and have an armed force that will be composed purely of Bengalis.

It should be understood again that this order is applicable not merely to criticism against the Punjabi Muslims, but against all sections of the police force And it is not applicable merely to that section of the press which honourable members on the other side read and patronise. Unfortunately in all sections of the press a great deal of police baiting has been going on, and this has resulted in attacks on the police of both persuasions—violent physical attacks—which must be put a stop to as soon as possible. If these attacks in the press cease then there will not be the tendency to take revenge upon the police force which is found amongst certain elements in Calcutta. Sir, I must regret that the attacks are directed mostly against the Punjabi policemen as if they are persons who have committed excesses. Sir, I remember distinctly how the press co-operated with us with alacrity when it was brought to their notice that a section of the police—not the Punjabi Muslims—had run amock and had fired shots, how many shots were fired there I do not wish to say. The press represented by my friends on the other side responded and so the news was not printed; obviously that portion of the press, namely, the press represented by members on the opposite side was anxious to see that peace and order were maintained in the city, that relations within the police and between the police and the public were not overstrained.

I do not think, Sir, that it would be necessary to refer to the insinuations of Mr. Bimal Ghose, who waxed so eloquent that he lost his voice when he talked about the throwing of crackers on the police I hardly think it necessary to do so. It was even suggested that Muslims threw crackers on the Muslim pickets in order that the police may take stern action

Now, Sir, it has been stated that these policemen from outside have been brought in order to terrorise the minority community in the city. (CRIES FROM OPPOSITION BENCHES: Fact.) I have taken down the precise words uttered by Mr. Bimal Ghose. Now, the minority community in the city happens to be the Muslims I hope now the honourable members opposite realise the desperate state of mind of the Muslim minority in the city when they had an armed police force to which they could not look to either for support or for succour I think that if we have got the Punjabi Muslims, they are all trained, fine, gallant people who have served their country in the war. (CRIES OF "oh" "oh" from the Opposition benches.) If I have brought them, that has been done in pursuance of a policy enunciated by no less a person than the honourable Leader of the Opposition when he asked that there should be a proper balance amongst the Hindu and Muslim officers in all departments of the Government.

Now, Sir, I do submit that by rousing venom against the police you cannot stop riots. Until recently—it is another unfortunate thing—we have seen that any report made against the police is accepted as Gospel truth. There are people going about definitely making charges which are unfounded and they are doing so because by this means they bring the Government into hatred and contempt and, at the same time, keep the feeling of disaffection alive. Sir, on the floor of this House my good faith in producing these appeals for peace and in supporting what has been stated by no less a person than Mr. Jinnah and Mo. Gandhi has been misinterpreted. Sir, why? I ask, has this been done deliberately? I do

not want to make a political speech, but it hurt me to see that because the last appeal which I made was wrong from out of my *heart* and I wanted to see peace restored in this land. But what did I see? A deliberate attempt to distort it. Why? Because you people on the opposite side desire that these things should continue for your own nefarious political activities, you desire that these things should continue and that peace should not be restored in this province so that you carry on your agitation for the partition of Bengal, so that you can carry on your agitation against this Ministry. It is a matter of the greatest regret that from the other side there has been no appeal whatsoever for the preservation of peace. Time and again I have asked the Leader of the Opposition to co-operate with us for peace. They have undoubtedly gone out with me. But yet they will continue to do this and inflame the passions of people for their own political ends.

Be quite certain that I shall continue along the path which I have chalked out for myself. That is the path of peace and the path of justice and I can assure you that this is the path of peace and the path of justice because everyone knows and the gentlemen opposite know in the bottom of their heart that I have done whatsoever I could to keep the balance even, even to the extent of courting unpopularity with my own party and my own people. I have done that. Why? Because I have followed the path of justice and I am doing this for the good of the province. I am not going to be deflected by the speeches that are uttered on the other side and which are charged with venom and hatred.

Sir, I would like to say this before I close. Government are determined to see that peace is brought back to this land as soon as possible. (MR. NIHARENDU DUTT-MAZUMDAR: As you have done so long.) (Laughter from the Opposition benches.) The honourable members opposite are laughing. Do not provoke me. I say, do not provoke me.

There is another side as well to this question. It is the Muslims who say that on this occasion the riot has been kept within bounds. There has been no carnage carried from one side to the other on account of the presence of the Punjabi policemen. This has been their interence.

We are determined to see that the carnage in August and subsequent days is not repeated. We are determined to see that order is preserved and such unrestrained, vindictive and malicious propaganda which is carried on in the press for the purpose of exciting one section of the people against another is brought to an end. It is for this purpose that this order has been issued and I hope, Sir, that whatever be the kind of speeches the honourable members may make on the opposite side, all men of goodwill will co-operate with the Government in seeing that the press do not pass the bounds of propriety. This order is meant only for that. Come out with fair criticism, come out with fair statements—they will not be censored, let them not turn one community against the other and they will have no cause whatsoever for regret.

The motion of Mr. Dhirendra Narayan Mukherji that this House do adjourn its business to discuss a definite matter of urgent public importance and of recent occurrence, viz., the situation arising out of the recent Press-note issued by the Government of Bengal and published today imposing pre-censorship of all news and comments criticising the activities of the Police force in Bengal, was then put and a division taken with the following result:—

AYES—73.

Acharjee, Mr. Shitangshu Kanta
Adhikari, Mr. Amulya Chandra
Bandopadhaya, Mr. Pramatha Nath
Banerjee, Mr. Gobindalal
Banerjee, Mr. Sibnath
Banerjee, Mr. Susil Kumar
Banerji, Dr. Suresh Chandra
Barman, Mr. Mohini Mohan
Basu, Mr. Hemanta Kumar
Basu, Mr. Jyoti

Bhandari, Mr. Charu Chandra
Bhattacharjee, Mr. Ganendra Chandra
Bhattacharjee, Mr. Munindra Nath
Bhattacharyya, Mr. Shyamapada
Bose, Mr. Satish Chandra
Brahmin, Mr. Ratanlal
Chakraborty, Mr. Benode Chandra
Chakravarty, Mr. Satish Chandra
Chatterjee, Mr. Haripada
Chattopadhyaya, Mr. Mihir Lal
Chowdhury, Mr. Annada Prosad
Das, Miss Bina
Das, Mr. Brojomadhab
Das, Mr. Jogendra Chandra
Das, Mr. Radha Nath
Das Gupta, Mr. Khagendra Nath
Das Gupta, Mr. Suresh Chandra
Dass, Mr. Kanailal
Datta, Mr. Dhirendra Nath
De, Mr. Kanai Lal
Dhar, Mr. Manoranjan
Dolui, Mr. Harendra Nath
Dutta, Mr. Sukumar
Dutt-Mazumdar, Mr. Niharendu
Ganguli, Mr. Bepin Behari
Gayen, Mr. Arabinda
Ghose, Mr. A. K.
Ghose, Mr. Bimal Comar
Guha Roy, Dr. Protap Chandra
Gupta, Mr. J. C.
Gupta, Mr. Monoranjan
Haldar, Mr. Kuber Chand
Jalan, Mr. Iswar Das
Kundu, Mr. Nishitha Nath
Lahiri, Mr. Provas Chandra
Mahanty, Mr. Charu Chandra
Mahtab, Sir Uday Chand, K.C.I.E., Maharajadhiraj Bahadur of Burdwan
Maiti, Mr. Nikunja Behari
Majhi, Mr. Nishapati
Majumdar, Mr. Bhupati
Mal, Mr. Iswar Chandra
Mallick, Mr. Ashutosh
Mandal, Mr. Annadaprasad
Mandal, Mr. Bankubehari
Mandal, Mr. Krishna Prasad
Mukherji, Mr. Dhirendra Narayan
Murarka, Mr. Basantlal
Nandy, Maharaja Sris Chandra, of Cossimbazar
Naskar, Mr. Hem Chandra
Panja, Mr. Jadabendra Nath
Pramanik, Mr. Rajani Kanta
Ray, Mr. Kamal Krishna
Ray Barman, Mr. Rajani Kanta
Roy, Mr. Harendra Nath
Roy, Mr. Kiran Sankar
Roy, Mr. Ram Hari
Sarkar, Mr. Bijoy Krishna
Sarkar, Mr. Rajendra Nath
Sen, Mrs. Ashalata
Sen, Mr. Debendra Nath
Sen Gupta, Mrs. Nellie
Singhi, Mr. Narendra Singh
Sinha, Mr. Bimal Chandra

NOES—127.

Abdul Ahad, Dr.
Abdul Aziz, Maulana Md.
Abdul Hafiz, Mr. Mirza
Abdul Hai, Maulana
Abdul Hakim Vikrampuri, Mr. Md.
Abdul Halim, Mr. Molla Mohammad
Abdul Hamid, Mr.
Abdul Hamid, Mr. A. M.
Abdul Hannan, Mr.
Abdul Karim, Mr.
Abdul Khaleque, Mr.
Abdul Mannan, Mr. Fakir
Abdullahel Baqui, Mr. Md.
Abdur Rahman, The Hon'ble Mr. A. F. M.
Abdur Rahman Khan (*alias* Nuru Mia), Mr.
Abdur Raschid Mahmood, Mr.
Abdur Rashid, Maulana Khondkar
Abdur Rauf, Mr. Syed
Abdus Sabur Khan, Mr.
Abdus Salam, Mr. Md.
Abul Kalam Shamsuddin, Mr.
Abul Masud, Mr. Kazi
Abul Quasem, Mr.
Ahmed Ali Mridha, Mr.
Ahmed Hosain, The Hon'ble Mr.
Ahmed Kabir Chowdhury, Mr.
Akbar Ali, Maulvi
Ali Ahmed Chowdhury, Mr.
Anwara Khatun, Mrs.
Arif Chaudhury (Dhanu Mia), Mr. Md.
Aulad Hossain Khan, Mr.
Azizur Rahman, Mr. Syed
Badiuzzaman Muhammad Ilias, Mr.
Bafatuddin Talukdar, Mr. A. K. M.
Barman, Mr. Haran Chandra
Barury, The Hon'ble Mr. Dwarka Nath
Biswas, Dr. Bhola Nath
Biswas, Mr. Gayanath
Corstorphine, Mr. E. E.
Duff, Mr. D. I.
Eskandar Ali Khan, Mr.
Farid Ahmad Chowdhury, Mr.
Fazlul Karim, Mr.
Fazlul Qadir, Mr.
Fazlur Rahman (Dacca), The Hon'ble Mr.
Fazlur Rahman (Mymensingh), Mr.
Fazlur Rahman (Noakhali), Mr.
Fisk, Mr. F. W.
Gomes, Mr. D.
Gomes, Mr. R. A.
Habibul Huq, Mr. Syed
Hafizuddin Choudhuri, Mr.
Hamiduddin Ahmed, Mr.
Hassan Ali, Mr.
Hatem Ally, Khan Sahib
Hodge, Mr. H. Rowan
Husan Ara Begum, Mrs.
Hutchison, Mr. E. A.
Ilias Ali Molla, Mr.
Jasimuddin Ahmed, Mr.
Kabir Ahmed Choudhury, Mr.
Khuda Bukhsh, Mr. Md.
Longfield, Mr. T. C.
Lutfar Rahman, Mr. Dewan
Luke, Mr. H. A.
Madar Bux, Mr.
Mafizuddin Ahmed, Mr.
Mahammad Afzal, Mr. Syed
Mahammad Owais, Mr.
Mahammad Sayeed Mia, Mr.
Majibar Rahman, Maulvi
Martuza Reza Chowdhury, Mr.
Masiuddin Ahmed (*alias* Raja Miah), Mr.
Mazharul Haque, Mr. Abu Taiyab

Methold, Mr. J. H.
Mobarak Ali Ahmed, Mr.
Mohammad Sharif Khan, Mr.
Mohammed Ali, The Hon'ble Mr.
Morriss, Mr. I. F., O.B.E.
Mozammel Hossain, Dr.
Mudassir Hossain, Mr.
Muhammad Habibullah Chaudhury, Mr.
Muhammad Idris, Maulvi
Muhammad Ishaque, Mr.
Muhammad Israil, Mr.
Muhammad Quasem, Maulana Haji
Muhammad Qumruddin, Mr.
Muhammad Rafique, Mr.
Muhammad Rukonuddin, Mr.
Muhammad Siddique, Dr. Syed
Muzaffar Rahman Choudhury, Mr.
Najmul Huq, Mr. Md.
Nasarulla, Mr. K.
Nawajesh Ahmed, Mr.
Nawab Ali, Mr.
Nazir Hossain Khandkar, Mr.
Nooruddin, Mr. K.
Nurazzaman, Mr.
Osman Ali, Mr.
Osman Gani, Mr. Md.
Paniruddin Ahmed, Mr.
Parish, Mr. P. E. G. W.
Pentony, Mr. L. R.
Platel, Mr. R. E.
Ray, The Hon'ble Mr. Nagendra Narayan
Salim, Mr. S. A.
Serajal Haque, Mr. Syed
Serajuddin Ahmed, Mr. (Midnapore)
Serajuddin Ahmed, Mr. (Gaibandha)
Shamsuddin Ahmed, The Hon'ble Mr.
Shamsuddin Ahmed Chowdhury (*alias* Badsha Mia), Mr.
Shamsuddin Ahmed Khondkar, Mr.
Shamsuddin Sikdar, Mr. Md.
Sharfuddin Ahmad, Mr.
Smyth-Osbourne, Mr. D. G.
Stark, Mr. A. F.
Suhrawardy, The Hon'ble Mr. H. S.
Tafazzal Ali, Mr.
Taylor, Mr. A. W.
Todd, Mr. N. K.
Wade, Mr. C. P. G.
Waller, Mr. R. G.
Whithouse, Mr. H. F.
Wilks, Mr. G. C. D.
Wordsworth, Mr. W. C., C.I.E.
Yusuf Hossain Chowdhury, Mr.
Zaman, Mr. A. M. A.

The Ayes being 73 and the Noes 127, the motion was lost

Adjournment.

The House was then adjourned at 6-20 p.m. till 4-30 p.m. on Wednesday, the 23rd April, 1947, at the Assembly House, Calcutta.

Proceedings of the Bengal Legislative Assembly assembled under the provisions of the Government of India Act, 1935.

THE ASSEMBLY met in the Assembly House, Calcutta, on Wednesday, the 23rd April, 1947, at 4-30 p.m.

Present:

Mr. Speaker (the Hon'ble Mr. NURUL AMIN) in the Chair, 10 Hon'ble Ministers and 198 Members.

Movement of members in Curfew areas.

Mr. ABDUS SABUR KHAN: On a point of information, Sir. Sometime ago perhaps you will remember I raised a question of privilege as to the necessary movements of the members of the Legislature into Curfew areas and you told us that you were writing about this matter to Government to be discussed with the Commissioner of Police. We are interested to know if any arrangements have been made, so that members can possibly go into the Curfew areas without much harassment or rather challenge. You promised that you would let us know the result in time, but unfortunately we have not been able to know anything about that.

Mr. SPEAKER: On the very day this matter was referred to, a communication was sent to the Chief Minister's Department with a copy to the Commissioner of Police. We have not yet received any reply.

Mr. ABDUS SABUR KHAN: Sir, it goes without saying that lot of our members who are unfortunately residing within the Curfew areas experience endless difficulties at night. May we request you on behalf of the Legislature to make a fresh move about it, so that a definite reply may be received from the Home Department or the Commissioner of Police about it within a specified period.

Mr. MUHAMMAD HABIBULLAH CHAUDHURY: Sir, I would like to draw your attention to this fact that when the other day we were going from the Assembly and when we reached Park Circus it was then 7 o'clock. Some gentlemen who were residing at Beliaghata could not reach home before 7 and some of them were detained. Will you kindly draw the attention of the Hon'ble the Home Minister to this fact in order to make special arrangements for the members of the Legislature?

Mr. SPEAKER: I think the honourable member himself has drawn his attention by his reference to the matter.

Mr. MUHAMMAD RAFIQUE: Sir, may I draw your attention to the fact that members of the Legislatures of United Provinces, the Punjab and Bihar are exempted from the Curfew regulation?

Mr. SPEAKER: I do not know that. As I have already said I have made a communication to the Government and they will certainly consider this point also.

STARRED QUESTION

(to which oral answer was given)

Shortage of industrial raw materials.

***200. Mr. BIMAL COMAR GHOSE:** (*a*) Is the Hon'ble Minister in charge of the Industries Department aware of the difficulties experienced and loss sustained by many industries on account of acute shortage in the supply of necessary raw materials?

(*b*) If so, will the Hon'ble Minister be pleased to state—

(*i*) what steps Government have already taken or propose to take to ease this situation;

(*ii*) what are the industrial raw materials in respect of which Government are now exercising control; and

(*iii*) who is the authority for, and what is the system of, distribution of such raw materials?

MINISTER in charge of the COMMERCE, LABOUR and INDUSTRIES DEPARTMENT (the Hon'ble Mr. Shamsuddin Ahmed): (*a*) I am aware of the difficulties now being experienced by many industrial concerns in the matter of getting supplies of raw materials. I do not precisely know what loss has been sustained by them.

(*b*)(*i*) The question of remedial measures has already been taken up and is still under consideration.

(*ii*) Iron and steel, chemicals of various types including dyestuff, oils and fats, textile materials, e.g., yarn, etc.

(*iii*) Civil Supplies Department is the authority and its appropriate Directorates issue permits against which supply is obtained from registered dealers.

Mr. MUHAMMAD HABIBULLAH CHAUDHURY: Will the Hon'ble Minister be pleased to state whether Government has got any policy in respect of supply of raw materials to different industries?

The Hon'ble Mr. SHAMSUDDIN AHMED: As I have already said in the present set-up of things the Civil Supplies Department make arrangements for the supply of raw materials.

Mr. MUHAMMAD HABIBULLAH CHAUDHURY: Will the Hon'ble Minister be pleased to state what steps Government are taking to develop new industries and especially to encourage the Muslims to start new industries?

Mr. SPEAKER: This does not come within the scope of this question.

Mr. MUHAMMAD HABIBULLAH CHAUDHURY: Will the Hon'ble Minister be pleased to state whether he is aware that favouritism and nepotism are going on in the Civil Supplies Department and raw materials actually meant for different industries are sold in the black market?

The Hon'ble Mr. SHAMSUDDIN AHMED: That is more than I can say.

UNSTARRED QUESTIONS

(answers to which were laid on the table)

Bengal's share from reparation payment by Germany to India.

73. Mr. BIMAL CHANDRA SINHA: (*a*) Will the Hon'ble Minister in charge of the Commerce, Labour and Industries Department be pleased to state whether the Government are aware that machinery and capital goods form a part of the reparation payment by Germany to India and these machinery and capital goods are now being made available to the different Indian Provinces?

(*b*) If the reply to (*a*) is in the affirmative, will the Hon'ble Minister be pleased to state whether the Government—

(*i*) have examined the list of such goods;

(*ii*) received any offer of any of those goods; or

(*iii*) tried to secure any of those goods as may be suitably utilised in this Province?

(*c*) Are Government aware that many units of the Wagner Trust of Germany are coming to India and are being given to Bihar?

(*d*) Do the Government intend to make any effort, by making representation to the Central Government or otherwise, to secure for Bengal those units of the said Wagner Trust which may profit this Province?

The Hon'ble Mr. SHAMSUDDIN AHMED: (*a*) to (*d*) The information is not available with this Government as the "reparation" is a Central subject.

Proposed dam at Mashanjore.

75. Mr. MIHIR LAL CHATTERJI: Will the Hon'ble Minister in charge of the Irrigation Department be pleased to state—

(*a*) whether Government intend to start work in connection with the proposed dam at Mashanjore (as a part of the Mor Scheme) at an early date and steps taken in that connection; and

(*b*) if any officer, comparable in status and experience to the officers reported to have been deputed by the Government of Bihar, has been deputed for investigations and preliminary report?

MINISTER in charge of the IRRIGATION DEPARTMENT (the Hon'ble Mr. Tarak Nath Mukherjea): (*a*) The work can be started only after the consent of Government of Bihar has been obtained. The Government of Bihar's permission for the construction of the dam at Mashanjore within their Province has not yet been obtained. The question is being examined by the Government of Bihar.

(*b*) An experienced Kanungo (Revenue Officer) and an Engineer Officer were deputed from Bengal for preliminary enquiry.

Mr. MUHAMMAD HABIBULLAH CHAUDHURY: Will the Hon'ble Minister be pleased to state what is the amount the Bihar Government is going to spend for Mor Scheme and for Mashanjore dam?

The Hon'ble Mr. TARAK NATH MUKHERJEA: Bihar won't pay anything because it is a matter which concerns entirely this Province.

Mr. MIRZA ABDUL HAFIZ: Will the Hon'ble Minister be pleased to state the estimate of the Mashanjore dam scheme, roughly speaking?

The Hon'ble Mr. TARAK NATH MUKHERJEA: Rs. 2 crores 84 lakhs.

Mr. MUHAMMAD ISRAIL: Will the Hon'ble Minister be pleased to state whether the scheme will be financed from the Development Fund?

The Hon'ble Mr. TARAK NATH MUKHERJEA: Yes, Sir.

Mr. MUHAMMAD HABIBULLAH CHAUDHURY: Will the Hon'ble Minister be pleased to state who will execute the scheme?

The Hon'ble Mr. TARAK NATH MUKHERJEA: This Government.

Mr. MUHAMMAD HABIBULLAH CHAUDHURY: Will the Hon'ble Minister be pleased to state why consent is necessary from the Bihar Government?

The Hon'ble Mr. TARAK NATH MUKHERJEA: For this simple reason that the dam will be located in Bihar.

STARRED QUESTIONS

(to which oral answers were given)

Placing of cases of some prisoners of Midnapore Central Jail before the Advisory Board.

***206. Mr. RAJANI KANTA PRAMANIK:** (*a*) Will the Hon'ble Minister in charge of the Home (Jails) Department be pleased to state whether it is a fact that in 1945 and 1946 some prisoners of the Midnapore Central Jail or its Superintendent sought the permission of the Government for putting up before the Advisory Board cases convicted under certain Defence of India Rules?

(*b*) If the answer to (*a*) be in the affirmative, will the Hon'ble Minister be pleased to state—

(*i*) whether Government permitted all the cases referred to in (*a*) to be put up before the Advisory Board; and

(*ii*) if not, why not?

Mr. HAMIDUDDIN AHMED (on behalf of the Hon'ble Mr. Fazlur Rahman): (*a*) Yes The permission was sought for by the Superintendent in 1945.

(*b*) (*i*) No. Permission was granted in three out of ten cases. Two others have since been released.

(*ii*) Some were not eligible under the Jail Code Rules. Others were not considered safe enough for release at the time. Their release is under consideration.

Mr. MUHAMMAD HABIBULLAH CHAUDHURY: Will the Hon'ble Minister be pleased to state the names of the gentlemen who are released and the gentlemen in whose case permission was granted?

Mr. HAMIDUDDIN AHMED: With regard to names I want notice.

Issue of gun licences and sale of cartridges in Calcutta during August, 1946.

***207. Mr. SYED SERAJUL HUQ:** Will the Hon'ble Minister in charge of the Home Department be pleased to state—

(*a*) how many gun licences were issued in Calcutta between August 1 to 15, 1946;

(*b*) how many of them issued to were—

(*i*) Muslims, and

(*ii*) Hindus;

(*c*) how many thousands of cartridges were purchased respectively by the Muslims and the Hindus from Calcutta firms after 19th August, 1946, and during one month preceding 16th August, 1946; and

(*d*) what was the total sale of cartridges in—

(*i*) June 1946, and

(*ii*) July 1946?

Mr. K. NASARULLA (on behalf of The Hon'ble Mr. H. S. Suhrawardy): (a) Nine.

(*b*)(*i*) Four.

(*ii*) Five.

(c) (1) Period 17th July, 1946 to 16th August, 1946—

		Hindus.	Muslims.
Calcutta residents—			
Gun cartridges	..	6,255	1,540
Rifle cartridges	..	895	511
Revolver/Pistol cartridges	..	485	50
Muffusil residents and residents of other Provinces—			
Gun cartridges	..	65,023	58,318
Rifle cartridges	..	10,784	4,910
Revolver/Pistol cartridges	..	1,684	820

(2) Period 19th August, 1946 to 14th September, 1946—

Calcutta residents—			
Gun cartridges	..	59,103	10,800
Rifle cartridges	..	7,560	300
Revolver/Pistol cartridges	..	2,434	778
Muffusil residents and residents of other Provinces—			
Gun cartridges	..	59,109	15,176
Rifle cartridges	..	1,363	305
Revolver/Pistol cartridges	..	1,806	313

		Gun cartridges.	Rifle cartridges.	Revolver/Pistol cartridges.
(d) (i) June, 1946	..	251,492	10,356	2,041
(ii) July, 1946	..	271,088	30,253	4,682

Mr. MUHAMMAD ISRAIL: Will the Hon'ble Minister be pleased to state the reason of the disparity in the sale of gun and cartridges in each case between Hindus and Muslims?

Mr. K. NASARULLA: That depends upon who goes and buys guns and cartridges.

Mr. TAFAZZAL ALI: Will the Hon'ble Minister be pleased to state if he is aware that Muslim gun licensees find it difficult in purchasing cartridges from arms shops?

Mr. K. NASARULLA: It has not been brought to the notice of Government as yet.

Mr. BADIUZZAMAN MUHAMMAD ILIAS: Will the Hon'ble Minister be pleased to state if he is aware that many Muslims applied for license for fire-arms in Bogra but were refused by the present Superintendent of Police who is a Hindu?

Mr. K. NASARULLA: This question does not come in.

Mr. MUHAMMAD HABIBULLAH CHAUDHURY: Will the Hon'ble Minister be pleased to state the name of the officer who is responsible for issuing licenses for cartridges?

Mr. K. NASARULLA: Cartridges are bought along with gun licenses. The officer responsible for granting such licenses is the Deputy Commissioner of Police, Arms Act, Calcutta.

Mr. MUHAMMAD RAFIQUE: Will the Hon'ble Minister be pleased to state if he is aware that complaint was made against Manton & Co., for refusing to supply revolver and gun cartridges?

Mr. K. NASARULLA : I am not aware of it.

Mr. MUHAMMAD HABIBULLAH CHAUDHURY : Will the Hon'ble Minister be pleased to state if Government is prepared to issue lincenses for guns and revolvers to members of this Assembly if they apply for them?

Mr. K. NASARULLA: Sir, anybody can get gun and pistol licenses if, in the opinion of the Commissioner of Police, they should have one.

Mr. MAJIBAR RAHMAN: Will the Hon'ble Minister be pleased to state if he is aware that Muslim applicants for gun license in Noakhali were refused?

Mr. K. NASARULLA: Sir, I cannot say district by district.

Mr. A. T. MAZHARUL HAQUE: Will the Hon'ble Minister be pleased to state if he is aware that Muslims who wanted to buy cartridges from Hindu shops, were refused the sale?

Mr. K. NASARULLA: It has not been brought to the notice of Government.

Mr. BADIUZZAMAN MUHAMMAD ILIAS: Will the Hon'ble Minister be pleased to say if he proposes to get Bengal rid of the Bengal Arms Act?

Mr. K. NASARULLA: No, Sir

Mr. A. T. MAZHARUL HAQUE: Will the Hon'ble Minister be pleased to enquire about the refusal of Hindu shops to sell cartridges to Muslims?

Mr. K. NASARULLA: If it is brought to the notice of Government, they will certainly make an enquiry.

Mr. ABDUS SABUR KHAN: In view of the prevailing complaints that Hindu dealers do not agree to sell cartridges to Muslim licensees of firearms does the Hon'ble Minister think that the number of Muslim licenseholders of shops, should be further enhanced in Calcutta?

Mr. K. NASARULLA: Unless and until enquiries are made I cannot say off-hand.

Netaji Subhas Chandra Bose.

***208. Mr. NARENDRA SINGH SINGHI:** Will the Hon'ble Minister in charge of the Home (Political) Department be pleased to state—

(*a*) whether the Government of Bengal are in possession of any definite information with regard to the present whereabouts of Netaji Subhas Chandra Bose, the founder-President of the Provisional Government of free India in Malaya, and a former Alderman and Mayor of the Corporation of Calcutta, who disappeared from Calcutta in January, 1941, with two cases pending against him instituted by the Bengal Government;

(*b*) whether the Government of Bengal are in a position to confirm the correctness or otherwise of the reported death of Netaji Bose as a result of injuries sustained in an aeroplane crash at the Taihoku Airfield in the island of Formosa on the 18th of August, 1946; and

(*c*) whether the Government of Bengal have received any reports either from the Central Intelligence Bureau of the Government of India or from the British or American Secret Service as to whether Netaji Bose is alive?

Mr. K. NASARULLA (on behalf of The Hon'ble Mr. H. S. Suhrawardy): No.

Mr. MUHAMMAD HABIBULLAH CHAUDHURY: Will the Hon'ble Minister be pleased to state if he is aware that in newspapers several news connected with the death of Netaji Subhas Chandra Bose have been published?

Mr. SPEAKER: That is not admissible.

Mr. A. T. MAZHARUL HAQUE: Will the Hon'ble Minister be pleased to tell us whether a case against Netaji Subhas Chandra Bose is still pending in Calcutta court, as he is taken to be alive?

Mr. K. NASARULLA: Sir, I do not know.

Mr. BADIUZZAMAN MUHAMMAD ILIAS: Will the Hon'ble Minister be pleased to state if Government propose to withdraw the case against Mr. Subhas Chandra Bose?

Mr. K. NASARULLA: I do not think so.

The Hon'ble Mr. H. S. SUHRAWARDY: The case is as dead as Mr. Subhas Chandra Bose.

Mr. A. T. MAZHARUL HAQUE: What is the reason of his refusal that Government is not prepared to do so?

Mr. SPEAKER: Chief Minister has already given a reply to that

Mr. MUHAMMAD RAFIQUE: What has become of the "Mahajati Sadan"?

Mr. K. NASARULLA: Has it anything to do with the question?

Bombing casualties in Feni subdivision.

*209. **Mr. HABIBULLAH BAHAR CHAUDHURY:** (*a*) Will the Hon'ble Minister in charge of the Home Department be pleased to state—

(*i*) the number of people—

(1) killed,

(2) injured, and

(3) disabled;

(*ii*) the number of homesteads damaged; and

(*iii*) the number of families affected due to bombing in the Feni subdivision during the last war?

(*b*) Will the Hon'ble Minister be pleased to state—

(*i*) whether any compensation was given to the people of Feni for the loss of life and property due to enemy action; and

(*ii*) if so, at what rate?

(*c*) If the answer to (*b*)(*i*) is in the negative, will the Hon'ble Minister be pleased to state the reason therefor?

Mr. ABDUL KARIM (on behalf of the Hon'ble Mr. H. S. Suhrawardy): (*a*) (*i*) (1) One hundred and seventy-five.

(2) Two hundred and sixteen.

(3) Twelve.

(*ii*) Six hundred and sixty-six.

(*iii*) Four hundred and seventy-one.

(*b*) (*i*) A sum of Rs.11,215 was distributed as gratuitous relief among the small owners of properties who would not be in a position to repair or reconstruct their huts without assistance.

In accordance with the provisions of the War Injuries Scheme the dependants and children of persons killed in air-raids were awarded family pensions and children's allowances.

(*ii*) One hundred and ninety-seven persons were given gratuitous relief at Rs.57 each on average.

Family pensions and children's allowances were awarded at Rs.8 per mensem and Rs.2 per mensem, respectively, the maximum payable in an individual case being Rs.18 per mensem.

(*c*) Does not arise.

Mr. MUHAMMAD HABIBULLAH CHAUDHURY: With reference to answer (*b*) (*ii*) will the Hon'ble Minister be pleased to state whether in the opinion of Government, Rs. 8 per mensem and Rs. 2 per mensem are sufficient for family pensions and children's allowances?

Mr. ABDUL KARIM: Government has no opinion in the matter. It was done according to the War Injuries Scheme; rates were fixed there.

Mr. TAFAZZAL ALI: With regard to the same paragraph, will the Hon'ble Minister be pleased to state in what cases under the scheme a monthly allowance of Rs. 18 is considered to be proper allowance?

Mr. ABDUL KARIM: The War Injuries Scheme was made out by the Government of India. I do not know on what consideration they fixed that amount.

Mr. MUHAMMAD HABIBULLAH CHAUDHURY: Will the Hon'ble Minister be pleased to state whether Government of Bengal is considering the desirability of moving Government of India to revise the War Injuries Scheme?

Mr. ABDUL KARIM: I think the time has already gone, and there is no need to revise the scheme.

Mr. TAFAZZAL ALI: I think the Hon'ble Minister has not undersood my question. I merely wanted to know the reasons of discrimination in the matter of giving monthly allowances, namely, in what cases Rs. 8 per month was considered to be suitable, and what is the type of case in which Rs. 18 per month was considered to be suitable. I do not want to make a speech, but I can put it in another way. Does the Hon'ble Minister think that the ordinary people's death does not warrant an allowance higher than Rs. 8 per month?

Mr. ABDUL KARIM: According to War Injuries Schemes the following rates of compensation were sanctioned. Permanent disability. ...

Mr. MUHAMMAD HABIBULLAH CHAUDHURY: Mr. Speaker, Sir, we cannot see the face of the Parliamentary Secretary replying to question. There is a crowd in front of him and the Hon'ble Mr. Mohammed Ali is intervening.

Mr. SPEAKER: Members will please resume their seats.

The Hon'ble Mr. MOHAMMED ALI: The honourable member ought to know that it is the parliamentary practice that the member who puts the question should face the Speaker, and members must not cross the line between the Speaker and the member addresing. So there is no harm in a Minister standing there if he does not cross this line.

Mr. ABDUL KARIM: So far as the amount is concerned, two rates were fixed—higher rates and lower rates. Those holding specified employment and suffering from permanent disablities were allowed higher rates. Others were allowed lower rates and the rate was fixed as follow:—

		Higher rate.	Lower rate.
For 100 per cent. injury	...	Rs. 18-0-0	13-8-0
For 90 per cent. injury	..	Rs. 16-0-0	13-0-0
For 80 per cent. injury	...	Rs. 14-0-0	10-8-0

and so on.

Mr. MUHAMMAD HABIBULLAH CHAUDHURY: In view of the fact that the amout paid under the War Injury Scheme is absolutely insufficient, is Government considering the desirability of paying something more from the provincial fund for the redress of grievances of the people?

Mr. ABDUL KARIM: The Provincial Government sanctioned gratuitous relief in deserving cases, and the District Magistrates were entrusted to distribute the amounts.

MAULVI MAJIBAR RAHMAN: Is the Hon'ble Minister aware that a large number of people died of injuries in the Sadar subdivision of Noakhali?

Mr. ABDUL KARIM: I am sorry; the question is concerned with Feni subdivision only.

Mr. MUHAMMAD HABIBULLAH CHAUDHURY: Is the Hon'ble Minister aware that the indifference of Government towards the people bombed in Feni is responsible for unrest in Feni subdivision?

Mr. ABDUL KARIM: No, I am not aware of any such unrest.

Petition from Chatal Municipality to Executive Engineer, Damodar Division, for filling up a breach in Chatal circuit embankment.

*210. **Mr. HARENDRA NATH DOLUI:** (*a*) Will the Hon'ble Minister in charge of the Irrigation Department be pleased to state whether it is a fact that the Commissioners of the Ghatal Municipality have recently petitioned the Executive Engineer, Damodar Division, for obtaining permission to fill up, at the expense of the municipal fund, a breach on the heart of the town of Ghatal Municipality situated by the abandoned circuit embankment known as Ghatal circuit embankment of the Damodar Division?

(*b*) If the answer to (*a*) be in the affirmative, will the Hon'ble Minister be pleased to state—

(*i*) whether the said Engineer has forwarded the petition to the higher authority for obtaining sanction of Government with his recommendation in favour of filling up the breach; and

(*ii*) if so, whether the Government desires to expedite the matter?

The Hon'ble Mr. TARAK NATH MUKHERJEA: (*a*) and (*b*) (*i*) Yes.

(*ii*) The matter is under examination in the Irrigation and Waterways Directorate. They have been asked to expedite it.

Number of Deputy Superintendents of Police in Dacca Range.

*211. **Mrs. ANWARA KHATUN:** Will the Hon'ble Minister in charge of the Chief Minister's (General Administration) Department be pleased to state—

(*a*) the number of Deputy Superintendents of Police in Dacca Range;

(*b*) how many of them are—

(*i*) Hindus, and

(*ii*) Muslims; and

(*c*) how many have been appointed by—

(*i*) Departmental promotions, and

(*ii*) direct recruitment?

Mr. ABDUL KARIM (on behalf of The Hon'ble Mr. H. S. Suhrawardy): (*a*) Seven.

(*b*) (*i*) Six.

(*ii*) One.

(*c*) (*i*) Four.

(*ii*) Three.

Mr. BADIUZZAMAN MUHAMMAD ILIAS: Will the Hon'ble Minister be pleased to give the name of the Superintendent of Police, Dacca?

Mr. ABDUL KARIM: I am sorry I cannot give it off-hand.

Mr. MUHAMMAD HABIBULLAH CHAUDHURY: Will the Hon'ble Minister be pleased to state whether Government has any scheme to enforce communal ratio rules as early as possible in Dacca in the Police Department?

Mr. ABDUL KARIM: It is not proposed to apply communal ratio rules in the matter of posting.

Mr. BADIUZZAMAN MUHAMMAD ILIAS: With referrence to answer (*c*) (*i*) and (*ii*), will the Hon'ble Minister be pleased to state how many of them are Hindus and how many Muslims?

Mr. ABDUL KARIM: I want notice.

Withdrawal of cases pending against certain workers of Kesoram Cotton Mills, Ltd.

***212. Mr. RATANLAL BRAHMAN:** Will the Hon'ble Minister in charge of the Labour Department be pleased to state—

(*a*) if he is aware that the Officer-in-charge of the Metiabruz police-station, Calcutta, has instituted a number of criminal proceedings against a large number of workers of the Kesoram Cotton Mills, Limited; and

(*b*) if he will advise the Government to withdraw these actions pending cases against the workers and hold a non-official enquiry into the long-standing dispute between the owners of the Kesoram Cotton Mills and their employees?

The Hon'ble Mr. SHAMSUDDIN AHMED: (*a*) Yes Three cases were started.

(*b*) The cases have been withdrawn as no witnesses are said to be available after the August disturbances. As regards the dispute between the owners of the mill and their employees, an enquiry was made by the Labour Commissioner and as a result, the principal matter in dispute appears to have been settled. Government are of opinion that no non-official enquiry is necessary.

Mr. MUHAMMAD RAFIQUE: Will the Hon'ble Minister be pleased to state if it is a fact that 70 per cent of Muslim labourers have been dispensed with and only 5 per cent have been reinstated in the Kesoram Cotton Mills?

The Hon'ble Mr. SHAMSUDDIN AHMED: This is not a fact. I do not remember it exactly, nor is it in the question here, but I may give my honourable friend this information that when the whole thing was reported to Government I personally visited the mill and the report we received was that about 400 Muslims had not been taken in. Then at my intervention about 200 persons were taken in. I do not know what has happened to the other 200 persons.

Unemployment Relief Scheme.

***213. Maulana MD. RUKUNUDDIN:** (*a*) Will the Hon'ble Minister in charge of the Industries Department be pleased to state whether a scheme called "The Unemployment Relief Scheme" was launched by Government a few years ago?

(*b*) If so, what was the purpose of the scheme?

(*c*) What is the number of the staff under this scheme?

(*d*) Whether they are permanent?

(*e*) If not, what is the reason of keeping them temporary for such a long time?

(*f*) Whether Government are contemplating to make any reorganisation of the existing Unemployment Relief Scheme?

(*g*) If so, when?

The Hon'ble Mr. SHAMSUDDIN AHMED: (*a*) Yes.

(*b*) The scheme was launched with a view to afford opportunities to the educated youths of the Province for training in practical and theoretical sides of industries in order to enable them to take up useful vocations.

(*c*) One hundred and twenty

(*d*) No

(*e*) and (*f*) The question of making the scheme permanent has been engaging the attention of Government for a long time and I have now decided to retain the scheme on a permanent basis by attaching the demonstration parties under the scheme to the various technical and industrial institutions in Calcutta and mufassil.

(*g*) Within the course of next two to three months

Mr. MUHAMMAD RUKONUDDIN: With reference to answer (*b*), will the Hon'ble Minister be pleased to state how many youths have been trained up, up till now?

The Hon'ble Mr. SHAMSUDDIN AHMED: I cannot give you the figure off-hand.

Mr. MUHAMMAD HABIBULLAH CHAUDHURY: Will the Hon'ble Minister be pleased to state whether the scheme is, in his opinion, successful?

The Hon'ble Mr. SHAMSUDDIN AHMED: I do not know what view you hold whether it is successful or not, but we are trying to put it on a permanent basis. Therefore the question raised by you does not arise.

Mr. MUHAMMAD RUKONUDDIN: With reference to answer (*c*) where it is mentioned "One hundred and twenty," will the Hon'ble Minister be pleased to state how many were Hindus and how many Muslim?

The Hon'ble Mr. SHAMSUDDIN AHMED: I cannot say that off-hand. If the honourable member gives me fresh notice or sees me in my room I can tell him.

Mr. MUHAMMAD HABIBULLAH CHAUDHURY: Will the Hon'ble Minister be pleased to state whether with the change of the Director the policy of the department also changes, so far as this scheme is concerned?

The Hon'ble Mr. SHAMSUDDIN AHMED: Government is there. If one Director goes and another Director comes, it does not necessarily follow that the policy of Government also changes.

Mr. MUHAMMAD HABIBULLAH CHAUDHURY: It may be that one Director initiated the scheme and when he went out and another gentleman came as Director, he said "This is all rubbish. The scheme should not be continued."

The Hon'ble Mr. SHAMSUDDIN AHMED: But Government went on; the policy of Government went on; and we are trying to put it on a permanent basis.

UNSTARRED QUESTIONS

(answers to which were laid on the table)

Keranja-Garuluta Khal scheme.

76. Mr. ALI AHMED CHOWDHURY: (*a*) Will the Hon'ble Minister in charge of the Irrigation Department be pleased to state—

(*i*) what were the terms and conditions with the contractor who was engaged to execute the Keranja-Garuluta Khal scheme in Patiya, Chittagong;

(*ii*) whether the contractor has finished the work within the stipulated time, i.e., before the rain;

(*iii*) whether *khal* excavation can go on during the rain; and

(*iv*) whether it is a fact that local people made a representation some 4 months back complaining the inactivity of the contractor who could not finish 1/4th of the work before rain started?

(*b*) If the answer to (*a*)(*iv*) is in the affirmative, will the Hon'ble Minister be pleased to state—

(*i*) what action has been taken thereon; and

(*ii*) what is the amount paid to the contractor?

(*c*) If the answers to (*a*)(*ii*) and (*iii*) are in the negative, will the Hon'ble Minister be pleased to state who is responsible for not completing the scheme in time and who is responsible for waste of public money?

MINISTER in charge of the IRRIGATION DEPARTMENT, (the Hon'ble Mr. Tarak Nath Mukherjea): (*a*) (*i*) The terms and conditions of the contract were as laid down in the C.P.W.D. form No. 8. The important of them, however, were—

(1) that the work should be completed within 4 months from the date of work orders; and

(2) that if the progress of the work was not proportionate to the time fixed for completion of the same, the contractor was liable to payment of compensation and the contract might be rescinded.

(*ii*) No.

(*iii*) Yes, so long the bed of the *khal* is not submerged.

(*iv*) Yes, a representation was received from the local people at the end of March, 1946: the progress of work up to that time was 40 per cent.

(*b*) (*i*) The local officers were directed to press the contractor to improve his progress. His security deposit has also been forfeited.

(*ii*) An amount of Rs.14,425 has actually been paid to the contractor while Rs.25,891-10 is still due at his credit.

(*c*) The contractor is responsible for not completing the work in time.

Major portion of the work having been completed before the flood season, it proved of definite value in effecting quicker drainage of the flooded areas. There has been no waste of public money.

Criminal case against Headmaster of Jangipur High English School by Subdivisional Officer, Berhampore.

77. Mr. KHAGENDRANATH DASGUPTA: (*a*) Will the Hon'ble Minister in charge of the Home Department be pleased to state—

(*i*) whether it is a fact that one Mr. Azizur Rahman, Subdivisional Officer of Berhampore, has been found responsible for causing many criminal cases to be brought against the Headmaster of the Jangipur High English School and sentenced to pay damages of Rs.1,000 to the latter, and

(*ii*) that the Munsiff who tried him observed in his judgment that the Headmaster was put to all sorts of uncalled for humiliation and degradation for the sole reason that he could not flatter the Subdivisional Officer and characterised this official's behaviour as one of the worst instance of executive tyranny?

(*b*) If the answer to (*a*) is in the affirmative, will the Hon'ble Minister be pleased to state whether he is considering the desirability of removing him from any position of responsibility?

MINISTER in charge of the HOME DEPARTMENT (the Hon'ble Mr. H. S. Suhrawardy): (*a*) (*i*) No. The Headmaster of Nayansuk High English School brought a money suit for damages against Maulvi Azizur Rahman for false and malicious prosecution. The suit was decreed in part for Rs.1,000 only by the Munsiff, 1st Court, Berhampore. It is understood an appeal has been preferred.

(*ii*) No.

(*b*) Does not arise.

Statement on hartal by the Hon'ble Chief Minister.

The Hon'ble Mr. H. S. SUHRAWARDY: Sir, may I have your permission to make a statement?

I am sorry that the Opposition has considered it expedient not to attend the Legislative Assembly today on the plea of a *hartal* called by the Hindu Mahasabha. If there was ever a *hartal* called without any justification whatsoever, it is this one. After my statement yesterday in the Legislative Council there could be no justification for any public action on the alleged incidents of 100, Harrison Road. The matter having gone to Court the public must await its judgment, and they cannot come to their own conclusions on the basis of statements totally unverified in regard to incidents which some may even consider highly improbable and based on evidence which some may equally consider discrepant. All parties must therefore suspend judgment and not rely on *ex-parte* statements. This *hartal* has clearly been called for a political purpose, just to pretend before a credulous public that the present Government are oppressing the Hindus, and therefore there is no other alternative but the partition of Bengal. All this will not wash. In fact this present *hartal* has shown how very baseless are such arguments advanced by the protagonists of the Hindu Mahasabha and how attempts are made to take political advantage of the slightest incidents and even to create grievances for purposes of political propaganda. Can any one doubt that a *hartal* called under present conditions was fraught

with grave possibilities of disturbance and lawlessness, and yet a political organisation gaily enters the field and calls upon all persons to observe a *hartal* with the fullest knowledge that it will be accompanied by violence and intimidation. Such violence and intimidation have occurred in some parts of the city. The Police have taken prompt action and Government are imposing curfews and collective fines on the areas which have been guilty. But this in not enough. I would beg the Hindu community through its representatives in the Legislature to cry halt before the spirit of mischief becomes more pervasive. They must realise to what extent they are being made pawns of for political purposes. It can do them no good whatsoever to whip themselves up into a frenzy of hostility, hatred and disaffection against Government. Little by little the poison is being spread amongst them, and even men of goodwill have been caught in the snare. They must not lend themselves to undermine those very foundations on which all Government, whether ours or theirs, or of both of us, must rest. Government feel that the *hartal* has no justification, and equally therefore the members of the Legislature have no justification in keeping them away from its meeting. The Legislative business and the work of the Legislature cannot be impeded by such acts, and I therefore, Sir, have no alternative but to suggest to you that the work of the day should proceed even though all the honourable members of the Opposition except one have absented themselves from today's sitting.

Sir, in deference to the presence of one honourable member of the Opposition, who has graced this meeting by his presence, Government desire, with your leave, that any questions that are pending may not be put today, and the decision of the House may not be taken in the absence of the Opposition. Honourable members present who desire to speak on the very important measure before us, should speak today on the floor of this House on any motions that they may place before this House. Therefore, Sir, the meeting will proceed; I hope tomorrow the debate will be closed, and questions will be put As I have said in deference to that one honourable member who has been good enough to come here, we will not take a decision today.

GOVERNMENT BILL

The Bengal State Acquisition and Tenancy Bill, 1947.

(This Bill was introduced in the House on 21st April, 1947, by the Hon'ble Mr. Fazlur Rahman, Minister in charge.)

Mr. A. K. GHOSE: Mr. Speaker, Sir, may I have your permission to move the motion which stands in the name of my friend Mr. Bimal Chandra Sinha?

Mr. SPEAKER: Yes.

Mr. A. K. GHOSE: I beg to move that the Bill be circulated for the purpose of eliciting opinion thereon by the 31st December, 1948.

Mr. SPEAKER: I have got a list of speakers. Mr. Fazlur Rahman will speak now.

Mr. FAZLUR RAHMAN: Mr. Speaker, Sir, I oppose the circulation motion with all emphasis that I can command. The motion of circulation means nothing but tactful and clever opposiaion of the Bill itself, particularly after the opinion given by the Land Revenue Commission. I am surprised to see that the Congress which pretends to be the friends of the mass, can so nakedly oppose the measure which found a most prominent place in their last election manifesto. However, when I express my sincere appreciation

in favour of the Ministry introducing such an important piece of legislation to do away with the pernicious zemindary system which has been sitting over our chest and almost suffocating us for 150 years. I like to make some observations regarding some of the provisions of the Bill. I shall deal mainly with the question of acquisition, compensation and rent. In this Bill provision has been made to acquire lands under *khas* possession of *raiyats* and under-*raiyats*. There has been no demand from the countryside for the acquisition of such lands. This matter deserves a very careful consideration of the House.

I am surprised to see that this Bill has shown some differential treatment in the matter of payment of compensation. Provision has been made for payment of compensation to the zemindars on the basis of income received by them and not on revenue paid by them, but to our utter surprise provision of compensation in cases of *raiyats* and under-*raiyats* has been made on the basis of rent paid by them and not on income received by them. This is a great injustice the Bill has proposed to do to the *raiyats* and under-*raiyats*. If we go through the history of the creation of the zemindary system in this country, we shall reasonably hesitate to provide any compensation at the time of acquisition of the zemindary rights, because the proprietors of zemindaries were nothing but collectors of rent. One fine morning in 1793 these collectors were declared proprietors of the soil for the interest of foreign rule in this country, and thrust upon the shoulders of the *raiyats*, who were in fact owners of the land, but subsequently relegated to the position of serfs and slaves. In my opinion the interests of *raiyats* and under-*raiyats* in lands under their *khas* possession should not be disturbed at all. However, if the House decides otherwise and desires to acquire the so-called surplus lands of these *raiyats*, fair and reasonable compensation must be provided for them, which means, that compensation must be paid on the basis of the income derived from the lands to be acquired as has been proposed in the Bill in the case of zemindars and other rent-receiving interests. Fairly speaking, the amount of compensation for lands of *raiyats* and under-*raiyats* should be greater than what may be provided for the zemindars and the like. Interests of *raiyats* and under-*raiyats* in their lands have not been acquired through a sudden gift or as a bribe to support imperialism but this interest has been earned by them by hard labour and merit.

Sir, another most important thing I must place before the House. The income on the basis of which the zemindars are going to receive compensation has got a history behind it wholly illegal and unjustifiable. On a persual of the documents connected with the permanent settlement of 1793, and the various regulations enacted at or near about the time of permanent settlement, it will be abundantly clear that one of the objects of the framers of the present settlement was to make the rents of the raiyats as permanent as revenue of the zemindars. The Court of Directors in their despatch of September 1792 sanctioning permanent settlement definitely expressed that it should secure to the great body of *raiyats* the same equity and certainty as to the amount of their rent and the same undisturbed enjoyment of their fruits of their industry the framers of the permanent settlement meant to give to the zemindars themselves. Regulation IV of 1794 also made it clear that no rent could be fixed by any landlord at a rate higher than the then established pergana rate. For various reasons, however, in spite of the opposition by the prominent members of the Rent Law Commissioners—Mr. Mackenzie and Mr. O'Kennely, flouting the principle and policy of the framers of the Permanent Settlement itself of 1793, and trampling down the rights of the deaf and dumb of raiyats who had not the tongue to raise a voice of protest against unfair and illegitimate action of the then authority, the zemindars managed to get the power of enhancement of rent in 1885. This aspect of the matter must be taken into account in considering the question of compensation.

I am really surprised that the Bill has sought to provide compensation for the acquisition of the zemindary the ownership of which has got no justifiable background and that on the basis of income which has got a very bad history behind it. On the other hand, by providing compensation for the *raiyats* and under-*raiyats* on the basis of the rental value of their lands, we are almost denying any compensation to them. In short we are providing undue protection to the parasites cutting the root of the tree itself. I hope this question will receive a careful consideration of the House.

My last point is that it is now high time for introducing the system of co-operative farming to provide for the cultivators sufficient strength for adopting improved method of cultivation. The bill should have asked for power for Government for introducing simultaneously such co-operative system along with the power of acquisition of lands. Otherwise, the snatching away some lands from one and distributing it to another will not solve the economic problem of the cultivators, but will only increase the hatred of one against another within themselves.

I hope my observations will receive every consideration of the Select Committee and the House.

Mr. MAJIBUR RAHMAN: Mr. Speaker, Sir, আজকে জমিদারী প্রথা উচ্ছেদ বিল আলোচনার সুযোগ পেয়ে আমি আমার উপস্থিত বন্ধুবর্গকে আন্তঃরিক ধন্যবাদ জ্ঞাপন করছি এবং মাননীয় রাজস্ব মন্ত্রীমহোদয়কেও আমার আন্তঃরিক ধন্যবাদ জানাচ্ছি যে তিনি আজ বাংলার জনসাধারণের বহুদিনের ঈপ্সিত জমিদারী প্রথা উচ্ছেদ বিল এই হাউসে উপস্থিত করেছেন। বাস্তবিক যদি এই বিলটি কার্য্যকরী করা হয়, বাস্তবিকই যদি এই বিলটি আইনে পরিণত করে বাংলাদেশের জনসাধারণকে এই জমিদারদের গ্রাস হতে উদ্ধার করা হয়, তাহলে বাংলার নির্বাচিত প্রতিনিধিমন্ডলী এবং তাঁদের ভোটে নির্বাচিত মাননীয় মন্ত্রিগণও সারা বাংলার মোবারকবাদ প্রাপ্ত হবেন।

আজ বাংলার জনসাধারণ খেতে পাচ্ছে না, পরতে পাচ্ছে না, তাদের স্বাস্থ্য ভাল নাই, তাদের রোগে চিকিৎসার কোন ব্যবস্থা নাই, সারা বাংলায় হাহাকার পড়ে গেছে। আজকে তাদের উপর জমিদারী করে তাদের উপর তালুকদারী করে, তাদের বুকের রক্ত-জল-করা-টাকা শুষে নিয়ে আজকে যারা উড়ো-জাহাজে উড়ছেন, আজ যাঁরা কলকাতার বাতাস খাচ্ছেন, তাঁরা একদিনও চিন্তা করেন না সারা বাংলার তাঁদের গরীব ভাই বোনেরা কিভাবে বাস করছে! আমার মনে হয় এই জমিদারেরা বিনা পয়সায় এই অধিকার লাভ করে বাংলার দরিদ্র জনসাধারণের রক্ত শোষণ করে এই সব বিলাস-ব্যসনে জীবন অতিবাহিত করছেন। যদি আজ জমিদারী প্রথার উচ্ছেদ করা যায় এবং সেই অর্থ বাংলার জনসাধারণের হিতকার্য্যে লাগান যায়, তাহলে বাস্তবিক পক্ষে আমাদের আন্তঃরিকতা প্রকাশ পাবে। আজকে বাংলার লোক চায় বাংলার এই চিরস্থায়ী বন্দোবস্ত উচ্ছেদ হোক, জমিদারী প্রথা উচ্ছেদ হোক, সমস্ত খাজনা আদায়ীস্বত্বের উচ্ছেদ হোক এবং রাজার সঙ্গে প্রজার সোজাসুজি সম্বন্ধ হোক। এই সব উচ্ছেদ সাধন করলে গভর্ণমেণ্টের বা ষ্টেটের যে আয় হবে সেই আয়ের দ্বারা প্রজার হিতসাধনে সর্বপ্রকার কাজ করা সম্ভব হবে। তাই আজকে আর এ বিষয়ে বেশী কথা না বলে শুধু জানাতে চাই যে এই বিলের আলোচনাতে যেন কোন প্রকার ত্রুটী না হয়, যেন Select Committee তে গিয়ে Select Committee র আলোচনায় বছরের পর বছর কাটান না হয়। আমি আজকে আমাদের পক্ষের লীগ দলীয় সদস্যের কাছে নিবেদন করছি যে যেকোন অবস্থাতেই এই জমিদারী প্রথা উচ্ছেদ বিলটি পাশ করান আবশ্যক। আমরা ভোটের সময় দেশবাসীর কাছে অনেক কিছু বলেছি, অনেক আশ্বাস দিয়েছি, যে তাদের হিতসাধন করবো, জনসাধারণের নানা দিক দিয়ে উপকার করবো, জমিদারী প্রথা উচ্ছেদ করবো এবং মাধ্যমিক শিক্ষা বিল পাস করবো। কিন্তু আজকে কোনটায় কোন আশা পাওয়া যাচ্ছে না। কেবল এই ক্ষীণ আশা যে এই বিলটি উপস্থিত করা হয়েছে ও Select Committee তে দেওয়া হচ্ছে। বাস্তবিক এটা আইনে পরিণত হবে কিনা এতে ঘোর সন্দেহ আছে। কারণ আমার বন্ধুদের অনেকের স্বার্থ এই জমিদারী প্রথা উচ্ছেদের বিরুদ্ধে রয়েছে। কারণ এতো শুধু জমিদারী উচ্ছেদ ও তালুকদারী উচ্ছেদ নয়, যত প্রকার খাজনা আদায়কারী স্বার্থ আছে তার সমস্তই উচ্ছেদ হবে। তাই বন্ধুরা সকলে আন্তঃরিকতার সহিত কাজ করবেন কিনা, এবিষয়ে খুব সন্দেহ আছে। আমি মনে করি বাস্তবিক যদি আমাদের

ওয়াদা সত্য হয়, বাস্তবিক যদি আমরা আমাদের দেশবাসীর কাছে, ভোটারের কাছে সত্যবাদী হই তাহলে, এই আইন যাতে পাস হয় তাতে অন্ততঃ আমাদের মুসলীম লীগ পার্লামেন্টারী পার্টীর সমস্ত সদস্য সর্বান্তঃকরণে দেখবেন যেন জুলাই সেসনে এই জমিদারী প্রথা উচ্ছেদ বিলটি পাস হয় এবং মাধ্যমিক শিক্ষা বিলও অতি সত্বর পাস হয়—কোন প্রকার যুক্তিতর্ক না শুনে, তারপ্রতি আমার বন্ধুবর্গকে দৃষ্টি দিতে অনুরোধ করছি। তাঁরা যেন বিশেষ লক্ষ্য রাখেন এদিকে। তা না হ'লে এবার আর দেশে আমাদের মুখ দেখাবার জায়গা থাকবে না। এই বলে আমি আমার বক্তব্য শেষ করছি। আমি পুনরায় Revenue Minister যিনি এই বিলটি উপস্থিত করেছেন, তাঁকে আন্তঃরিক ধন্যবাদ জ্ঞাপন করছি। তাঁর আন্তঃরিকতায় যেন এই বিলটি আইনে পরিণত হয়, তার জন্য তিনি যথাসাধ্য চেষ্টা ও পরিশ্রম করবেন বলে আশা করি। তাহ'লে তিনি আজ সারা বাংলার দরিদ্র হিন্দু-মুসলমান জনসাধারণের ভালবাসা ও মোবারকবাদ লাভ করবেন।

Mr. MD. ABDUS SALAM : Mr. Speaker, Sir, মাননীয় মন্ত্রী মহোদয় যে চমৎকার বিলটি এনেছেন তা বাস্তবিকই প্রশংসনীয়। কিন্তু আশ্চর্য্য হ'চ্ছি আমাদের কংগ্রেসী বন্ধুদের মনোবৃত্তি দেখে। যাঁরা গত ৫০ বৎসর যাবৎ বাংলার গরীব চাষীদের জন্য platformএ দাঁড়িয়ে, খবরের কাগজে,রাস্তাঘাটে, চিৎকার করে গলা ফাটিয়েছেন, তাদের দরদে কত চক্ষুর জল ফেলেছেন। তাঁরাই আজ যখন সেই নির্য্যাতিত, লাঞ্ছিত, শোষিত ও দরিদ্র চাষীদের স্বার্থের অনুকূলে এই বিল আনা হয়েছে তাকে বাধা দেওয়ার জন্য সর্বপ্রকার প্রচেষ্টা ও অপচেষ্টা করছেন, তাঁদের লজ্জা হওয়া উচিত। তাঁদের এই জিনিষটা মনে রাখা দরকার যে তাঁদের ধাপ্পাবাজী তাঁদের চালাকি সব কিছু ধরা পড়েছে। বাংলার গরীব হিন্দু মুসলমান আজকে তাঁদের এই চালাকিতে ভুলছে না। তাঁরা পরিষ্কার বুঝতে পেরেছেন যে এত দিন তাঁরা যা' কিছু বলেছেন তা কেবল জমিদার ও ধনিক শ্রেণীর ব্যক্তিগত স্বার্থের জন্য। আজ যে বিল আইনে পরিণত হ'লে সত্যই গরীবেরা উপকৃত হ'বে তাঁরা সে বিলে বাধা দিচ্ছেন। একথা গরীব প্রজারা পরিষ্কারভাবে বুঝতে পেরেছে, কাজেই তাঁদের বাধায় কিছুই করতে পারবে না। বাংলার জনসাধারণ আজকে যথেষ্ট সচেতন। তারা জানে তাদের দাবী-দাওয়া কেমনভাবে আদায় করতে হ'বে। আজকে আমাদের এত দিনের আশা ভরসা, বাংলার হিন্দু-মুসলমান গরীবের চেষ্টা এবং প্রচেষ্টা এত দিনে কার্য্যে পরিণত হ'তে চলেছে বলে আমরা আবার মন্ত্রী-মহোদয়কে ধন্যবাদ জানাচ্ছি। বাংলায় আমাদের মধ্যে যে পার্থক্য ছিল সেটা হল কতগুলি লোক, যাঁরা নাকি বহু অর্থে চিরদিন বিলাসে দিন যাপন করতেন, তাঁদের দরিদ্রের দুঃখ দরদ বোঝবার মত ক্ষমতা ছিল না, তারা গরীবের অর্থ দিয়ে আরামে এবং বিলাসে দিন কাটাত কিন্তু যারা পরিশ্রম করত, যারা মাথার ঘাম পায়ে ফেলে উপার্জ্জন করত তাদের ভোগ করবার মত অবস্থা ছিল না। তারা আজকে যে সুযোগ পাবে বলে আশা করছি, তারা তাদের পরিশ্রমের ফল ভোগ করবে বলে যে আশা পেয়েছি তা' যদি বাস্তবিক পক্ষে কার্য্যে পরিণত হয় তা' হ'লে বাংলার সমাজের উন্নতি হ'বে অনিবার্য্য। এই কথা বলে আবার আমাদের মন্ত্রী-মহোদয়কে মোবারকবাদ জানিয়ে আজকের মত আমার বক্তৃতা শেষ করলাম।

Mr. MUHAMMAD RUKNUDDIN : মিঃ স্পীকার, স্যার, যে কুখ্যাত জমিদারী প্রথা বাংলার গরীব চাষীদের বুকের উপর জগদ্দল পাথরের মত বহু বৎসর ধরে চেপে বসে রয়েছে, আজকে সেই জগদ্দল পাথর বাংলার গরীব চাষীদের বুকের উপর থেকে নেমে যাচ্ছে দেখে বাস্তবিক আমরা আনন্দে উৎফুল্ল হয়ে উঠেছি। বহুদিন হতে বাঙ্গলা যে বিলের কথা চিন্তা করে আসছিল সেই বিল আজ সত্যকার রূপ নিয়ে আমাদের এই Assembly House এ এসে পৌঁছেছে। বাংলার দিকে দিকে সমস্ত দরিদ্র প্রজারা চেয়ে আছে যে এবারে এটি পাশ হবে এবং তারা সত্যকার ফলভোগ করবে। বাংলার কৃষক এতদিন দুইটি বৃহৎ রাক্ষসের দ্বারা নির্য্যাতিত হচ্ছিল—একদিকে বৈদেশিক শাসক, আর অপরদিকে এই জমিদাররূপী রাক্ষস। এখন এই রাক্ষসদের কবল হতে বাংলার গরীব প্রজারা মুক্তি পাবে এই ভরসায় আমরা আজ এই Houseএ আনন্দ বোধ করছি। বাংলার দিকে দিকে গরীব প্রজাদের আনন্দ স্রোত বয়ে যাচ্ছে।

এই প্রসঙ্গে আমি বলতে বাধ্য যে শাসকশ্রেণী দীর্ঘ ১৭৫ বৎসর যাবৎ শোষণ করে এমন মরিয়া হয়ে উঠেছে যে যা করে হোক তারা এই প্রচেষ্টাকে ব্যর্থ করে দেবার চেষ্টা করবে। কাজেই আমি মাননীয় মন্ত্রী-মহোদয়কে এবং Houseএর সমস্ত বন্ধুগণকে অনুরোধ জানাচ্ছি যে যত প্রকারের বাধা-বিঘ্ন আসুক না কেন একে সত্যকার রূপ দিতে হবে। যাই হোক না কেন আমরা আমাদের কর্ত্তব্য থেকে

টলব না। যদি আমরা সত্যই আমাদের কর্ত্তব্য অচল, অটল, ধীর, স্থির থাকি তাহ'লে নিশ্চয়ই আমরা জয়ী হব। এ জয় আমাদের ব্যক্তিগত জয় হবে না, এতে বাংলার কোটি কোটি দরিদ্র প্রজার জয় হবে। এবং বাংলার কোটি কোটি দরিদ্র প্রজা এই নিষ্পেষণ, শোষণ ও এই কুখ্যাত শাসন থেকে মুক্তি পাবে—কাজেই মন্ত্রী-মহোদয়কে এই বিল introduce করার পরেই পাশ করবার জন্য অনুরোধ জানাচ্ছি এবং এটা introduce করার জন্য ধন্যবাদ জানাচ্ছি।

এই প্রসঙ্গে জমিদাররা প্রজাদের উপর কি প্রকারে অত্যাচার চালিয়েছে তার কথা বলব। সাধারণ গৃহস্থ যার দুই চার বিঘা জমি আছে তারা তাদের ফসল বাড়াবার জন্য মাথার ঘাম পায় ফেলে দিবারাত্র পরিশ্রম করে আর এই জমিদারশ্রেণী পরগাছার মত গরীব প্রজাদের বুকের রক্ত শুষে খেয়ে খেয়ে এই রকম আরাম বিলাসী হয়ে পড়েছে। তাঁরা কোন দিন জমির উন্নতি সাধনের জন্য, প্রজাদের উন্নতি সাধনের জন্য কোন চেষ্টাই করেন নাই। এমন কি তাঁদের জমিদারীর উপর দিয়ে যে সব রাস্তা ঘাট আছে সেইসব রাস্তার উপর দিয়ে ভালভাবে চলবার ব্যবস্থাও তাঁরা করেন নাই। গরীব প্রজাদের কোন বিষয়ে কোন অভাব অভিযোগ আছে কিনা সে সম্বন্ধে তাঁরা কোন দিন কিছু দেখেন নাই। তাঁরা ১২।১৩ কোটি টাকা আত্মসাৎ ক'রে সরকারকে খাজনা বাবদ মাত্র চার কোটি টাকা দিয়ে থাকেন। আর এই জমিদারীর অর্থ নিয়ে কলিকাতার বুকে বা বিভিন্ন ভাল ভাল যায়গায় ঘুরে ঘুরে আরামে দিন কাটান। তাঁদের জমিদারীর এলাকায় প্রজাদের সুখের জন্য, তাদের উন্নতির জন্য, তাদের ছেলেদের লেখা পড়া শিক্ষার জন্য বা তাদের কোন প্রকারের সুখ সুবিধার জন্য জমিদারেরা কোন চিন্তা করেন না। কেবল বাংলা বলেই এই অত্যাচার পোষণে দুই শত বৎসর চলেছে, দুনিয়ায় আর কোন জায়গায় এই অত্যাচার এত দীর্ঘ দিন চালান সম্ভব হোত না।

আজ আমাদের opposition এর বন্ধুরা উপস্থিত নাই, যাঁরা এতদিন জমিদারী প্রথার নাম করে দরিদ্র প্রজাদের অনেক কথা শুনিয়েছেন, আর আজ তাঁরা ইচ্ছা করেই অনুপস্থিত, কারণ তাঁরা এর উচ্ছেদের কথা শুনতে প্রস্তুত নন। তাঁদের মধ্যে অনেকেই জমিদার শ্রেণীভুক্ত, তাই তাঁরা কিভাবে দরিদ্র প্রজাদের উপর অত্যাচার করে বৎসরের পর বৎসর, যুগের পর যুগ, শতাব্দীর পর শতাব্দী তাদের বুকের রক্ত শোষণ করেছেন তার ইতিহাস তাঁরা শুনতে রাজি নন; কাজেই এই দিকে আমাদের চিন্তা করলে চলবে না।

আজ Secondary Education, Primary Education বিলের কথা বললে টাকার অভাবের কথা শোনা যায় কিন্তু এই অভাব আর থাকবে না। দেশের সর্ব্বপ্রকারের development সর্ব্ব প্রকারের উন্নতি সাধন হতে পারে যদি এই কুখ্যাত জমিদারী প্রথার মূলোচ্ছেদ হয়। এই বিলটি যেমন অবস্থায় এই House এ এসেছে ঠিক তেমনিভাবে নির্ব্বিবাদে যদি পাশ করে দেওয়া যায় তাহলে বাংলায় কোটি কোটি টাকার সংস্থান হবে এবং সঙ্গে সঙ্গে বাংলার দরিদ্র প্রজাদের সত্যকার উপকার হবে। দৈহিক, তাদের লেখা পড়ার, তাদের ব্যবসা বাণিজ্যের, আর্থিক এবং সর্ব্ববিধ উন্নতি সাধন হবে যদি মাত্র ভারত হতে, বাংলা হতে এই কুখ্যাত জমিদারী প্রথা নির্ম্মূল হয়ে যায়।

আর একটি কথা বলে আমি আমার বক্তব্য শেষ করব। যত প্রকারের বাধা-বিঘ্ন আসুক না কেন আমাদের কর্ত্তব্য কর্ম্মে অচল থাকতে হবে। যত প্রকারের প্রলোভন, ছলনা এই প্রচেষ্টাকে নষ্ট করবার চেষ্টা করুক না কেন আমাদের স্থির থাকতে হবে এবং এই কুখ্যাত জমিদারী প্রথার উচ্ছেদ করতেই হবে। তাই আমি এই House এর সকল মেম্বারদের কাছে এবং মাননীয় মন্ত্রী-মহোদয়ের কাছে নিবেদন করছি যেন তাঁরা ও তিনি সংকল্পে দৃঢ় থাকেন এবং এই বিলটি পাশ করে দেন। যেন বাংলার সকল গরীব চাষীদের এবং এর কর্ণধারের ললাটে জয়টীকা অঙ্কিত হয়, কোন বাধা বিঘ্নে যেন এর কোন ক্ষতি করতে না পারে।

Mr. SYED MAHAMMAD AFZAL: Sir, I rise to oppose the motion for circulation which is intended to torpedo this most important Bill which is designed to abolish the notorious Permanent Settlement and the zemindary system. When this Bill was proposed to be introduced agitation after agitation has been carried on for a very long time. It is admitted that all the parties, the Muslim League, the Congress, the Hindu Mahasabha and other political parties in meetings outside this Assembly chamber say that the zemindary system should be abolished but what do we find now? When the Bill has actually come before the House we find they are, the Congress

people, putting up a vehement opposition in order to torpedo the Bill. Sir, I shall not take much of the time of the House but I shall make two suggestions to the Hon'ble Revenue Minister. I certainly congratulate him from the core of my heart that he has done this sacred and noble thing for the people of Bengal. I shall be failing in my duty if I do not congratulate members who are supporting this Bill. In spite of the fact that their personal interests will suffer for the time being they are supporting the Bill for the greater cause of the country. So I would request the House to consider the question of compensation seriously. I think the landlords and rent-receivers are not entitled to any compensation. Rent has been enhanced abnormally and for the last 150 years these rent-receivers had realised from tenants enhanced rates, abwabs, tahari and other things. I think that these rent-receivers have already realised more than 500 crores than what they are entitled to get as rent.

So, I think this question should be seriously considered. Another question is the question of transfer of land, and that is a dangerous thing certainly, and any provision which will establish this transfer is also dangerous, but if there is a provision that land will be transferred to agriculturists only I do not know what will happen. I do not know what will be the definition of "agriculturist" and who is to differentiate as to who is an agriculturist and who is not; and if you make this provision in the Bill I am afraid that the landlords will get lakhs of rupees and will purchase these lands in the benami of their relations So, I think a provision should be made in the Act that if anybody purchases land in the benami of anybody he will be criminally prosecuted. Otherwise I am afraid this provision will be absolutely unworkable and it will not be effective. So my submission is that the Hon'ble Minister will kindly consider this question very seriously Because if the landlords are out to purchase lands, the cultivators will be landless labourers. The landlords will get money and they will also purchase lands in the benami of their relations and the cultivators will have no redress. So I would request the Hon'ble Minister to consider this point very seriously. Otherwise I am afraid that instead of doing good to the people this Bill will do harm to the cultivators. These tenants have been paying Rs. 5 crores during the last 150 years and they are groaning under the tyranny of a double Government—one the British Government and the other Zemindary Government. I think, Sir, that with the abolition of the zemindary system they will at least get rid of one Government, namely, the Zemindary Government and as regards the British Government it is going to withdraw in June next year. If the Bill is not passed by that time and the British Government withdraws and we get independence, I think that independence will not benefit the cultivators who are still under their Zemindary Government. So I hope that this Bill will be expedited and this Bill will be passed within a year at last, if not earlier.

With these few words, I oppose the motion for circulation.

Mr. MUDASSIR HOSSAIN: Mr. Speaker, Sir, the first thing that has to be considered is what are the maladies of our country, and what steps should be taken to remove those maladies? It has been said, and said often and said everywhere, that there are three maladies from which our country, and especially Bengal, has been suffering. And what are those maladies, Sir? They are poverty first, illiteracy second, and the third is disease. These are the three maladies from which Bengal or, for the matter of that, India has been suffering, and any measure which tries to remove or which help us to remove poverty, illiteracy and disease is the right thing which should be taken up at once and passed into law without any delay.

Now, Sir, the first question therefore is that poverty of India, and especially of Bengal, is well known. You are aware, Sir, that the common

people do not get two square meals a day; they remain content with one meal a day; that is to say, the standard of living of these people is abnormally low. If their income is compared with that of the people of other progressive countries, it will be seen that their standard of living is so very low that it cannot bear any comparison at all. Whereas the average income per head of an American is nearly Rs. 600 per year, and the average income of a Britisher is more than Rs. 400 per year, the average income per head of the people of this country is not even Rs. 25 per year. Such is the state of poverty to which the poor people of this country has been reduced, and by whom has that been done? While addressing a large political gathering of Indians which included Hindus, Muslims and Christians and others in London, Mr. Cove, a Labour Member of Parliament, said,—independence was the beginning only of the solution of the various Indian problems: they have had to face India's terrible poverty: India itself was not poor, but Indian poverty has been caused by the Imperial power exploiting her resources without thought for the benefit of the Indian people. These are the words which have been uttered by no less a person than Mr. Cove, the Labour Member of British Parliament So the first aspect of India's problems is that our people are suffering from terrible poverty.

As regards illiteracy there is no doubt about the appalling illiteracy of our people. Whereas in Turkey and other Asiatic countries the literate people is 80 per cent. and in England and other advanced countries it is cent per cent., in our country the percentage of literate people is only ten, and the rest, namely 90 per cent. of the population is illiterate.

So, Sir, our people are poverty-stricken, illiterate and diseased. Right and left you will find people suffering from various diseases. This is the condition to which Bengal or, for the matter of that, India has been reduced. Sir, Independence will be a mockery, self-government will be a mockery unless we can remove our poverty, our illiteracy and our diseases. Sir, you may pass any measure you like, but if it does not tackle any of the problems which I have just now indicated it will be of no use. Therefore, the question that comes uppermost to my mind is whether the motion that has been tabled by the Hon'ble Minister will be conducive to the removal of the appalling poverty of the people. Those who have studied the economic history of Europe know very well that it is only through the practice of agricultural co-operation that they have found relief. Denmark took to agricultural co-operation and by that method they found relief, and you will be surprised to hear that in Denmark there is absolutely no cultivation except under co-operative farming, and there is absolutely no poverty there. Such is also the case with Germany. Although the land remained the same, the population in Germany nearly doubled itself, but by agricultural co-operation their food problem was solved. This has also happened in the case of Italy, Belgium, Holland and even in the case of Ireland. While even in the midst of humiliation and defeat the European countries are taking to agricultural co-operation and thereby finding relief, we, the people of Bengal, or, for the matter of that, of India find that we have been crushed all round by the exploitation of the imperialists, both principal and satellite, and we have not yet learnt from the pages of economic history of Europe either the practice of agricultural or industrial. Sir, therefore, don't be led away by slogans, don't be led away by anything, calmly and dispassionately deliberate over the proposals which have been put before the House the Hon'ble Minister in charge of this Bill. The best thing would be to remove the poverty of the people, and the Bill should aim at that. If it does not do that then it must be altered and improved in such a way as it may tend to remove the poverty of the people. Sir, we are being exploited. While I admit that we have all been exploited by the zemindars I would point out that there are more cruel exploiters than the zemindars in this country. These industrialists, these commercial magnates and these bankers have

all helped in impoverishing the people. Sir, why the Government is acquiring these rent-receiving interests? Why do the Government propose to abolish zemindary? Government is doing these things with a view to improving the condition of the masses. That is all right. But I would ask Government also to take steps with a view to nationalising the mines, industries and other commercial undertakings. All means of production and distribution should be acquired—whether by bait or compensation does not matter—and if Government nationalise the undertakings there will be no difficulty in paying compensation out of the income derived from these undertakings. It has been clearly laid down that no private property can be acquired without adequate and reasonable compensation. So that point has also to be considered. Then there is the provision that all lands should be acquired and distributed among landless people. After distribution of land the persons to whom land is distributed will have a right of occupancy. Now the man to whom you have distributed the land will be succeeded by his children and so on. The holding will be subdivided and in this way there will be small subdivisions of the holding. The result will be that there will be small blocks of land miles apart. Therefore the plan of division or distribution of land is not satisfactory. I think the Hon'ble Minister thinks that land can be cultivated with profit in a block. Therefore what is necessary is that if we acquire the right of a private individual, there should be a village co-operative society in which all the land of the village should be vested and this society will be the perpetual owner of these lands. It can also distribute lands to any person according to his cattle and man-power in a block and so long as he remains alive and well he will cultivate the land, but as soon as he dies or is disable the land should revert to the society which again can distribute the land according to its own light. I hope the Hon'ble Minister will take not of the fact that his plan of distribution will not carry us any further. Therefore I would again suggest that land which is acquired must be vested in a village co-operative society which will be the owner of lands and will have the right to distribute land from time to time. This is not the time to lay emphasis on a plan which I have in my mind, but I can say that there are very progressive agricutural schemes in European countries and those very schemes and methods can be introduced here with benefit to all concerned. I would conclude by saying that as Government is going to acquire lands and rent-receiving rights it is up to them to acquire also all industrial and commercial undertakings without which it will not be possible to remove poverty from this unfortunate land.

Mr. SERAJUDDIN AHMED (Midnapore) : মাননীয় স্পীকার মহোদয়, আমরা সকলে শুনতে পাচ্ছি যে আজ বৃটিশ গভর্ণমেন্ট ভারত ছেড়ে চলে যাচ্ছে (A VOICE: অথচ যাচ্ছে না।) ভারতকে স্বাধীনতা দিচ্ছে। এই বর্ত্তমান স্বাধীনতা সকলের ভোগ করবার জন্য—। কিন্তু গরীবরা যে সেই স্বাধীনতা ভোগ করতে পারবে না এটা অস্বাভাবিক। স্বাধীনতা যদিও ইংরেজের কাছ থেকে ভারতবাসী পায় এই জমিদারকুল থাকলে দরিদ্র জনসাধারণ কখনও সেই স্বাধীনতা ভোগ করবার সুযোগ পাবে না। এই জমিদারকুল যদি তাদের নিজেদের কর্ত্তব্য পালন করতে দ্বিধাবোধ না করে আসত, তাহ'লে আজ আবশ্যক হ'ত না এই জমিদারীস্বত্বের উচ্ছেদ করা। তারা জানে না যে এতদিন যদি সকলকে আনন্দিত করতে পারা যায়, সকলকে সুখী করতে পারা যায়, তাহ'লে সেই সুখ ও সেই আনন্দ স্থায়ী হবে সকলের জন্য। কিন্তু সেই সুখ, সেই আনন্দ তারা একচেটিয়ে করে রেখেছে। সেই সুখ তারা গরীবকে ভোগ করতে দেয়নি। তারা অধিকন্তু এযাবৎ গরীবের যত ভিটামাটি পর্য্যন্ত সবই পর পর গ্রাস করে চলেছে। সেই গরীব ত আর আজ অশিক্ষিত নাই, তাদের মধ্যে বহু শিক্ষিত হয়ে উঠেছে। তারা এখন চায় না যে তাদের উপর জমিদারদের এই শাসন ও শোষণ ক্রমাগত চলতে থাকুক। গরীবদের উপর শোষণ তারা যে করেছে এই বর্ত্তমান যুগে তাহাদের অস্তিত্ব না থাকাই বাঞ্ছনীয়। যেহেতু তারা যদি আজ গরীবদের উপর শোষণ চালাতে থাকে, তাহ'লে শীঘ্রই গরীব প্রজারা বিদ্রোহী হয়ে উঠবে। এটা আমাদের দেশের ধনিগণ কিংবা জমিদারগণ জানে না যে সকলকে সুখী করতে পারলে নিজেও সুখে থাকা যায়।

মাননীয় মন্ত্রীমহোদয় যে এই বিলটি পরিষদে উঠিয়েছেন তারজন্য তাঁকে আন্তঃরিক ধন্যবাদ জানাচ্ছি। আমি আর বেশী কিছু বলতে চাই না। আজ এবিষয়ে কিছু বলবার জন্য প্রস্তুত ছিলাম না। এই বলে আমি আমার আসন গ্রহণ করছি।

Mr. SPEAKER: This is a very important Bill. In fact, I should think the most important Bill that has been introduced since the inauguration of provincial autonomy in this Province. In the absence of the members of the Opposition I do not think it will be fair to have any decision on the motions before the House. So I adjourn the House till 3 p.m. tomorrow.

Adjournment.

The House was then adjourned at 5-30 p.m. till 3 p.m. on Thursday, the 24th April, 1947, at the Assembly House, Calcutta.

Proceedings of the Bengal Legislative Assembly assembled under the provisions of the Government of India Act, 1935.

THE ASSEMBLY met in the Assembly House, Calcutta, on Thursday, the 24th April, 1947, at 3 p.m.

Present:

Mr. Speaker (the Hon'ble Mr. NURUL AMIN) in the Chair, 7 Hon'ble Ministers and 185 Members.

STARRED QUESTIONS

(to which oral answers were given)

Operation of Tank Improvement scheme in Bankura district.

***217. Mr. KANAI LAL DE:** (*a*) Will the Hon'ble Minister in charge of the Agriculture Department be pleased to state—

(*i*) whether new works under Tank Improvement scheme have been totally stopped in the district of Bankura; and

(*ii*) whether the said district suffers from failure of crops and is very often visited with famine?

(*b*) If the answer to (*a*)(*ii*) is in the affirmative, will the Hon'ble Minister be pleased to state the reason thereof?

(*c*) If the answer to (*a*)(*ii*) is in the affirmative, does the Hon'ble Minister consider the desirability of providing irrigation facilities in a much larger scale?

Mr. ABDUL KARIM (on behalf of the Hon'ble Mr. Ahmed Hossain): (*a*) (*i*) No.

(*ii*) Insufficient rainfall leads to periodical failure of crops causing local scarcity in certain areas.

(*b*) Does not arise.

(*c*) Apart from tank improvement the Irrigation and Waterways Directorate have two minor irrigation schemes under execution, and several other schemes approved in the district of Bankura. The Damodar Valley project will also benefit a large area in the district. Government are, therefore, doing all they can to provide better irrigation facilities.

(Starred questions Nos. 214, 215 and 216 were held over.)

Mr. KAMAL KRISHNA ROY: Will the Hon'ble Minister kindly state with reference to answer (*c*) what are the minor irrigation schemes in the District of Bankura referred to in his answer?

Mr. ABDUL KARIM: The works of Kulai Khal and Rukni Khal Irrigation Schemes are in progress and are expected to be completed during the year 1947-48. The work of the Suvankar Danra Scheme will be taken up shortly and the tenders for the work have already been accepted. The Berai Canal Irrigation Scheme has been recently administratively approved by Government at an estimated cost of Rs.13,71,840. The Right Bank Canal of the Damodar Valley Project will irrigate about 60,000 acres.

Mr. NIHARENDU DUTT-MAZUMDAR: Will the Hon'ble Minister be pleased to state whether the scheme for maintaining irrigation tanks in good order would not act as an offset against scarcity of rainfall?

Mr. ABDUL KARIM: That is a matter of opinion.

Mr. NIHARENDU DUTT-MAZUMDAR: Will the Hon'ble Minister be pleased to state whether the Irrigation tanks were used to supply water to the agriculturists in former times and whether these tanks are still in order of preservation?

Mr. ABDUL KARIM: I want notice.

Mr. MUHAMMAD HABIBULLAH CHAUDHURY: Will the Hon'ble Minister be pleased to state which area of the district will be benefited by the Damodar Valley project?

Mr. ABDUL KARIM: Some portion of the Bankura district.

Mr. MUHAMMAD HABIBULLAH CHAUDHURY: Will he be pleased to state which portion?

Mr. ABDUL KARIM: I cannot say off-hand.

Mr. NIHARENDU DUTT-MAZUMDAR: Is the Hon'ble Minister aware of the purpose and provisions of the Bengal Tanks Improvement Act? If he is so aware, will he be pleased to state as to how far the provisions of the Tanks Improvement Act have been given effect to in the district of Bankura for the purpose of improvement of irrigation?

Mr. SPEAKER: First portion is not admissible.

Mr. NIHARENDU DUTT-MAZUMDAR: Which portion, Sir?

Mr. SPEAKER: Whether the Hon'ble Minister is aware of the provisions of a certain Act.

Mr. NIHARENDU DUTT-MAZUMDAR: Sir, the Hon'ble Minister stated that he wanted notice with regard to certain things I asked about the irrigation tanks. I am asking him therefore whether the purpose and provisions of the Bengal Tanks Improvement Act have been given effect to in the district of Bankura for the purpose of improvement of irrigation tanks.

Mr. ABDUL KARIM: I think there is provision for such thing as derelict irrigation tanks in the Tank Improvement Act. The Act has been applied in the district.

Mr. NIHARENDU DUTT-MAZUMDAR: Will the Hon'ble Minister be pleased to state whether a large number of tanks in the agricultural fields are maintained at least in their present dilapidated conditions out of which water used to be supplied for the purpose of irrigation?

Mr. ABDUL KARIM: Yes.

Mr. NIHARENDU DUTT-MAZUMDAR: Will the Hon'ble Minister be pleased to state whether with regard to those tanks the purpose and provisions of the Bengal Tanks Improvement Act have been given effect to in the district of Bankura?

Mr. ABDUL KARIM: Yes, I think so.

Mr. NIHARENDU DUTT-MAZUMDAR: Will the Hon'ble Minister be pleased to state in the case of how many such tanks these provisions have been given effect to?

Mr. ABDUL KARIM: I cannot give the exact number off-hand.

Mr. BIMAL CHANDRA SINHA: Will the Hon'ble Minister be pleased to state exactly how the Damodar Valley Project will benefit a large area in the district?

Mr. SPEAKER: That is too wide a question.

Mr. BIMAL CHANDRA SINHA: No, Sir, that is not a general question. The Hon'ble Minister has said that the Damodar Valley project will also benefit a large area. I want to know in what respect the project will benefit the District.

Mr. SPEAKER: So far as the Damodar Valley Project is concerned, I remember that the Hon'ble Minister for Irrigation promised to come up with a statement with regard to this. Let the House wait for the statement, because this is a big project.

Mr. BIMAL CHANDRA SINHA: My submission is how far this particular District will benefit.

Mr. SPEAKER: That is also part of the full scheme.

Mr. BIMAL CHANDRA SINHA: Cannot the Hon'ble Minister give us at least some idea as to the general features?

Mr. ABDUL KARIM: I have already said that this scheme will irrigate 60,000 acres in the district of Bankura.

Mr. NIHARENDU DUTT-MAZUMDAR: With reference to answer (*c*) viz., two minor irrigation schemes are under execution, and several other schemes approved in the district of Bankura, will the Hon'ble Minister be pleased to state what are these two minor schemes and what is the nature of the other schemes which are under consideration of Government?

Mr. ABDUL KARIM: I have already replied in my previous supplementary question.

Mr. MUHAMMAD HABIBULLAH CHAUDHURY: Will the Hon'ble Minister be pleased to state whether improvement of food situation has been effected by the tank improvement and irrigation and waterways projects of the Government so far as the Bankura district is concerned?

Mr. ABDUL KARIM: I think so; it naturally follows.

Mr. BIMAL CHANDRA SINHA: Will the Hon'ble Minister be pleased to state who was the authority who approved these schemes so far as the district of Bankura is concerned and whether it did get the approval of the District Development Committee?

Mr. ABDUL KARIM: I want notice.

Mr. BIMAL CHANDRA SINHA: With reference to answer (*a*)(*i*), viz., "No" will the Hon'ble Minister be pleased to explain in what respects these schemes continue to be in operation when in his Budget speech the Hon'ble Finance Minister has stated that the schemes—improvement of derelict tanks—have been abandoned?

Mr. ABDUL KARIM: I think some amount of money has been placed at the disposal of the District Magistrate to improve some tanks.

Mr. BIMAL CHANDRA SINHA: In view of the fact that the Hon'ble the Finance Minister stated that the money allotted for this purpose has not been spent will the Hon'ble Minister be pleased to explain how is it that he says that the works under this scheme are not discontinued?

Mr. SPEAKER: That does not arise because the scheme has not been stopped. It may be that the money could not be spent, but that does not mean that the scheme has been stopped.

Mr. BIMAL CHANDRA SINHA: That is not the point, Sir. If I remember aright the Hon'ble Finance Minister said that money has not been spent. It is not the correct position that he did not provide funds. If that is so, then I ask how could new works be continued under that scheme?

Mr. ABDUL KARIM: I cannot say what the Finance Minister has stated. So far as my information goes, the scheme has not been abandoned; it has not been stopped.

Mr. KANAI LAL DE: With reference to answer (*a*)(*i*) and (*ii*) will the Hon'ble Minister be pleased to state what progress has been made in the district of Bankura?

Mr. ABDUL KARIM: I am sorry, I cannot say off-hand what progress has been made so far.

Mr. KANAI LAL DE: Will the Hon'ble Minister be pleased to state whether any survey has been made?

Mr. ABDUL KARIM: I ask for notice.

Mr. KANAI LAL DE: Will the Hon'ble Minister be pleased to state whether any land acquisition has been made?

Mr. SPEAKER: For every detail of that nature, he wants notice.

Mr. NIHARENDU DUTT-MAZUMDAR: Will the Hon'ble Minister be pleased to state the extent to which the food position has improved in the district of Bankura as a result of this provision?

Mr. SPEAKER: That question has already been answered.

Mr. NIHARENDU DUTT-MAZUMDAR: In reply to my friend over there the Hon'ble Minister has said that the food position has improved. I am asking the Hon'ble Minister to say as to the extent to which the food position has improved.

Mr. SPEAKER: It follows from the reply that the honourable minister thinks that the food position has improved but he is not in a position to say to what extent it has improved.

Mr. BIMAL COMAR GHOSE: Sir, if your interpretation is accepted by the Hon'ble Minister, then we have nothing to say. But let him say that.

Mr. SPEAKER: When I find that it has already been stated, it can be inferred that the Hon'ble Minister is not in a position to give the particular information but he only derives inference from certain things.

Mr. BIMAL COMAR GHOSE: The question which Mr. Haripada Chatterjee put was whether there was any improvement in the food position, he said "Naturally I think so". Then naturally the question follows what was the improvement, and I hope the Hon'ble Minister may be able to say what was the improvement. I do not think it would be desirable for you, Sir, to shut out the Hon'ble Minister from answering the question.

Mr. SPEAKER: It is no use taking the valuable time of the House on such questions. I think the honourable members will devote their time more profitably on more important questions.

Mr. BIMAL COMAR GHOSE: Sir, when the Hon'ble Ministers do not know the actual position, it should be the duty of the honourable members to reveal the actual position so that the public may know what the Government is doing.

Mr. SPEAKER: It is for the intelligent public to draw their own conclusions in such matters.

Mr. MUHAMMAD HABIBULLAH CHAUDHURY: Will the Hon'ble Minister be pleased to state how much money the Government of Bengal

has spent during the last five years for irrigation, tank improvement and other projects, and will he be kind enough to give us the figures of the failure of crops during the last five years?

Mr. ABDUL KARIM: That is a very broad question, and I do not think this supplementary question arises out of this question.

Mr. NIHARENDU DUTT-MAZUMDAR: That is for the Hon'ble Speaker to say.

Mr. SPEAKER: He means to say that it is a broad question and he cannot give a suitable reply.

Mr. KANAI LAL DE: Will the Hon'ble Minister be pleased to state whether Government is providing money in the budget for a project which will defeat the very purpose of the scheme that was actually undertaken?

Mr. ABDUL KARIM: I would request the honourable member to ask this question to the Hon'ble Finance Minister.

Mr. PRAMATHANATH BANDOPADHYAYA: মাননীয় মন্ত্রী মহাশয়ের নিকট জানতে চাচ্ছি যে বাঁকুড়া জেলার যে সমস্ত দিঘী সংস্কার অভাবে নষ্ট হয়ে যাচ্ছে এবং তার জন্য আবাদের যে ক্ষতি হচ্ছে সে সম্বন্ধে তাঁর কোন ব্যক্তিগত অভিজ্ঞতা আছে কিনা?

Mr. ABDUL KARIM: I have no personal experience.

Mr. PRAMATHANATH BANDOPADHYAYA: যদি তাঁর ব্যক্তিগত কোন অভিজ্ঞতা না থাকে তাহলে তিনি কি করে বুঝবেন যে এর জন্য দেশের কত ক্ষতি হচ্ছে।

Mr. ABDUL KARIM: I have not committed myself as to the extent of the loss.

Mr. BANKU BEHARI MANDAL: Is the Hon'ble Minister aware that there are 30,000 irrigation tanks in the district of Bankura and out of them 15,000 have not been re-excavated?

Mr. ABDUL KARIM: I am not aware of the total number.

Relief measures in some parts of Jessore district.

***218. Mr. BEJOY KRISHNA SARKAR:** (*a*) Will the Hon'ble Minister in charge of the Relief Department be pleased to state whether he is aware of the fact that there is a failure of crops in some parts of Jhenidah, Magura and Narail subdivisions of Jessore?

(*b*) If the answer to (*a*) is in the affirmative, will the Hon'ble Minister be pleased to state whether the Government propose to make special provision for relief and loans to the people thereof?

MINISTER in charge of the CO-OPERATION CREDIT and RELIEF DEPARTMENT (the Hon'ble Mr. A. F. M. Abdur Rahman): (*a*) Yes.

(*b*) The following amounts have already been allotted for distribution in the affected area:—

		Rs.
(*i*) Gratuitous relief	..	25,000
(*ii*) Cattle purchase loan	...	86,000
(*iii*) Agricultural loan	...	92,000

In addition, clothing were distributed free to the affected people, milk canteens were opened and medical units were sent to the affected areas.

Mr. DEBENDRA NATH SEN: Will the Hon'ble Minister be pleased to state whether the actual work of distribution of this gratuitous relief and loan has already begun?

The Hon'ble Mr. A. F. M. ABDUR RAHMAN: I am sure it has begun.

Mr. BIMAL CHANDRA SINHA: Will the Hon'ble Minister be pleased to state as to the period to which these figures relate?

The Hon'ble Mr. A. F. M. ABDUR RAHMAN: I am afraid, I cannot answer off-hand.

Mr. BIMAL CHANDRA SINHA: Will the Hon'ble Minister be pleased to state as to the approximate period, last year or this year, to which these figures relate?

The Hon'ble Mr. A. F. M. ABDUR RAHMAN: I am afraid I am not in a position to say.

Mr. MUHAMMAD HABIBULLAH CHAUDHURY: Will the Hon'ble Minister be pleased to state whether this amount was spent during this Ministry or during the previous Ministry?

The Hon'ble Mr. A. F. M. ABDUR RAHMAN: During this Ministry.

Mr. RAJENDRA NATH SARKAR: Will the Hon'ble Minister be pleased to state when the allotment mentioned in reply (*b*) was made?

The Hon'ble Mr. A. F. M. ABDUR RAHMAN: As soon as we received the information of distress, money was given.

Mr. RAJENDRA NATH SARKAR: Will the Hon'ble Minister be pleased to give the date, month and year of the allotment?

The Hon'ble Mr. A. F. M. ABDUR RAHMAN: I have not the file with me; so I cannot give the full information.

Mr. BIJOY KRISHNA SARKAR: Will the Hon'ble Minister be pleased to state the number of population of the affected areas concerned?

The Hon'ble Mr. A. F. M. ABDUR RAHMAN: I ask for notice.

Mr. BIJOY KRISHNA SARKAR: Will the Hon'ble Minister be pleased to state what amount of cloth was sent to the affected areas?

The Hon'ble Mr. A. F. M. ABDUR RAHMAN: I cannot say off-hand.

Mr. BIJOY KRISHNA SARKAR: Will the Hon'ble Minister be pleased to state whether sufficient quantity was sent for the affected people?

The Hon'ble Mr. A. F. M. ABDUR RAHMAN: Yes, we have sent as much as possible.

Mr. BIJOY KRISHNA SARKAR: Will the Hon'ble Minister be pleased to state whether or not the medical unit sent there is quite insufficient?

The Hon'ble Mr. A. F. M. ABDUR RAHMAN: We have sent medical units and they are doing their work.

Mr. BIJOY KRISHNA SARKAR: Is the Hon'ble Minister aware that cholera and other epidemic diseases have broken out there?

The Hon'ble Mr. A. F. M. ABDUR RAHMAN: I have no information, and if there is any report of cholera, certainly Government will take steps.

Mr. AMULYA CHANDRA ADHIKARI: Will the Hon'ble Minister be pleased to state what is the agency through which this gratuitous relief and loan were distributed?

The Hon'ble Mr. A. F. M. ABDUR RAHMAN: Through the Relief Officers under the guidance of the District Magistrate.

Mr. BIJOY KRISHNA SARKAR: Is the Hon'ble Minister aware that corruption and discrimination have already crept in in the matter of distribution of loan?

The Hon'ble Mr. A. F. M. ABDUR RAHMAN: I have no knowledge of it. But if the honourable member brings any case of corruption to my notice, I will certainly look into it.

Mr. BIMAL CHANDRA SINHA: Will the Hon'ble Minister be pleased to state whether he has received any report from the Relief Officers as to the extent of distribution that has actually taken place?

The Hon'ble Mr. A. F. M. ABDUR RAHMAN: I am sorry I have not received any report.

Mr. BIMAL CHANDRA SINHA: Will the Hon'ble Minister be pleased to state the length of time which has elapsed between the passing of the order of allotment and up to date?

The Hon'ble Mr. A. F. M. ABDUR RAHMAN: The practice of the Relief Directorate is that as soon as they receive news they immediately rush in money there.

Mr. BIMAL CHANDRA SINHA: Will the Hon'ble Minister be pleased to state whether it is the practice of the Relief Directorate to rush in money and food and other items of relief on receipt of any information without verifying whether such information is correct?

The Hon'ble Mr. A. F. M. ABDUR RAHMAN: Certainly it is presumed that when District Officers send any information, it is first of all verified.

Mr. MUHAMMAD HABIBULLAH CHAUDHURY: Will the Hon'ble Minister be pleased to state from which districts cattle were purchased?

The Hon'ble Mr. A. F. M. ABDUR RAHMAN: I am afraid I cannot give you an answer.

Mr. NIHARENDU DUTT-MAZUMDAR: Will the Hon'ble Minister be pleased to state on what basis were the different sums of allotment fixed for the purpose of relief of different types?

The Hon'ble Mr. A. F. M. ABDUR RAHMAN: According to requirements.

Mr. NIHARENDU DUTT-MAZUMDAR: Will the Hon'ble Minister be pleased to state if the number of people affected was taken into consideration while fixing these amounts for the purpose giving relief?

The Hon'ble Mr. A. F. M. ABDUR RAHMAN: Yes, certainly.

Mr. NIHARENDU DUTT-MAZUMDAR: Will the Hon'ble Minister be pleased to state how many agricultural families were affected by this distress and on what basis the sum of Rs.92,000 was fixed for allotment.

The Hon'ble Mr. A. F. M. ABDUR RAHMAN: I am afraid I cannot say.

Mr. BIMAL CHANDRA SINHA: Will the Hon'ble Minister be pleased to state whether any portion of the agricultural loan so given has been recovered or proposed to be recovered at present?

The Hon'ble Mr. A. F. M. ABDUR RAHMAN: So far as the realisation of agricultural loan is concerned it is not the concern of this Department. It is a matter for the Revenue Department.

Mr. BIMAL CHANDRA SINHA: Will the Hon'ble Minister be pleased to state the nature of the report of the District Relief Officers on receipt of which money and food were rushed to the place; whether it was in the nature of distress or famine or what?

The Hon'ble Mr. A. F. M. ABDUR RAHMAN: It was in the nature of distress.

Mr. NIHARENDU DUTT-MAZUMDAR: With reference to his answer (*a*), will the Hon'ble Minister be pleased to state the crop for which a particular season was meant in this answer?

The Hon'ble Mr. A. F. M. ABDUR RAHMAN: I would ask for notice.

Mr. NIHARENDU DUTT-MAZUMDAR: Is the Hon'ble Minister in a position to inform the House as to the period of time for which this relief was meant to be administered?

The Hon'ble Mr. A. F. M. ABDUR RAHMAN: For that also I ask for notice.

Mr. NIHARENDU DUTT-MAZUMDAR: Will the Hon'ble Minister be pleased to state whether he actually ascertained the adequacy of this relief measure with reference to the actual situation that arose?

The Hon'ble Mr. A. F. M. ABDUR RAHMAN: Yes, certainly that was taken into consideration.

Mr. NIHARENDU DUTT-MAZUMDAR: If as the Hon'ble Minister says that was taken into consideration, will the Hon'ble Minister be pleased to state for what particular period of time and for how many affected people these amounts were actually allotted?

Mr. SPEAKER: This question was put some time before and the same question is being put again.

Mr. NIHARENDU DUTT-MAZUMDAR: It is with reference to the last answer where the Hon'ble Minister——

Mr. SPEAKER: I do not allow it. It is the same question.

Mr. NIHARENDU DUTT-MAZUMDAR: Then, Sir, I put it in another form. Will the Hon'ble Minister be pleased to state when he ascertained the actual position with regard to finding out whether these reliefs were adequate or not?

The Hon'ble Mr. A. F. M. ABDUR RAHMAN: I would ask for notice.

Mr. MUHAMMAD HABIBULLAH CHAUDHURY: Will the Hon'ble Minister be pleased to state how clothes and milk supplied for relief was procured by the Government?

The Hon'ble Mr. A. F. M. ABDUR RAHMAN: Milk was distributed through the Red Cross and cloth by our own agency.

Mr. MUHAMMAD HABIBULLAH CHAUDHURY: Sir, my question is how it was procured.

The Hon'ble Mr. A. F. M. ABDUR RAHMAN: Milk was procured from America and cloth from the Textile Directorate.

Itinda-Satkhira-Patkelghatta Road.

*219. **Dr. ABDUL AHAD:** Will the Hon'ble Minister in charge of the Works and Buildings Department be pleased to state—

(*a*) what is the condition of the Itinda-Satkhira-Patkelghatta Road;

(*b*) whether it is a fact that this road communication between Satkhira and Calcutta is unfit for any sort of conveyance; and

(*c*) whether there is any project for the betterment of this road in this year's budget?

Dr. BHOLA NATH BISWAS (on behalf of the Hon'ble Mr. Dwarkanath Barori) : (*a*) It is not a Government road but a local bodies' one. The road is reported to have been damaged.

(*b*) No; communication along the road has never been fully stopped.

(*c*) No.

Mr. BIMAL CHANDRA SINHA: Will the Hon'ble Minister be pleased to state who is the person who reported that the road was damaged.

Dr. BHOLA NATH BISWAS: The Subdivisional Officer, Public Works Department.

Mr. BIMAL CHANDRA SINHA: Will the Hon'ble Minister be pleased to explain if this road is not a Government road but a road belonging to the local bodies what business the Subdivisional Officer, Public Works Department had to report its bad condition to Government?

Dr. BHOLA NATH BISWAS: This question was raised before and an enquiry had been sought from the Subdivisional Officer and he had to rush over there and had the enquiry made.

Mr. MUHAMMAD HABIBULLAH CHAUDHURY: Will the Hon'ble Minister be pleased to give an idea as to the extent of the damage caused?

Dr. BHOLA NATH BISWAS: I cannot tell you the extent.

Mr. SURESH CHANDRA DAS GUPTA মাননীয় মন্ত্রী মহাশয়, অনুগ্রহ করে বলবেন কি এই যে Local board এর রাস্তা খারাপ হয়ে গিয়েছে মনুষ্য চলাচলের অযোগ্য হয়েছে, সেই রাস্তা মেরামতের জন্য Local board কে কোন তাগিদ দেওয়া হয়েছে কিনা? এবং তার কোন ব্যবস্থা করা হচ্ছে কিনা?

Dr. BHOLA NATH BISWAS: They have been informed already. In the meantime it has been contemplated that the road would be taken up in the first place of the second year plan in the year 1948-49.

Mr. MUHAMMAD HABIBULLAH CHAUDHURY: Will the Hon'ble Minister be pleased to state if he is aware that there were many accidents during the last 6 months due to the bad condition of the road?

Dr. BHOLA NATH BISWAS: No, Sir.

Mr. JYOTI BASU: Will the Hon'ble Minister be pleased to state what kind of conveyance is still possible between Satkhira and Calcutta on this road.

Dr. BHOLA NATH BISWAS: I think, Sir, it does not come within the purview of this question.

Mr. SPEAKER: From reply (*b*) it appears that communication along the road has never been fully stopped. So the question arises as to what kind of communication is now available. I think that is the question of Mr. Basu.

Dr. BHOLA NATH BISWAS: Bullock cart.

Mr. BIMAL CHANDRA SINHA: Will the Hon'ble Minister be pleased to state if it is not a fact that this was a motorable road even some time ago and buses used to ply regularly from Itinda to Satkhira and that was the only communication from Satkhira to this side.

Dr. BHOLA NATH BISWAS: I cannot say.

Mr. MUHAMMAD HABIBULLAH CHAUDHURY: Will the Hon'ble Minister be pleased to give the names of the local bodies which are responsible for this road.

Dr. BHOLA NATH BISWAS: The District Board of the 24-Parganas and the District Board of Khulna.

Mr. RAJENDRA NATH SARKAR: Will the Hon'ble Minister be pleased to state if any amount from the Bengal Motor Vehicles Tax Fund was allotted to the local body concerned?

Dr. BHOLA NATH BISWAS: I am not aware.

Mr. MUHAMMAD HABIBULLAH CHAUDHURY: Will the Hon'ble Minister be pleased to state which portion of the road is very much damaged, the 24-Parganas portion or the Khulna portion?

Dr. BHOLA NATH BISWAS: I want notice.

Grants to Midnapore District Board.

*220. **Mr. ISWAR CHANDRA MAL:** Will the Hon'ble Minister in charge of the Local Self-Government Department be pleased to state—

(a) the total amount of grants paid to the Midnapore District Board since 1942 up to 1946, March;

(b) the principle of giving the grants to the different District Boards; and

(c) the method adopted by the District Board to maintain the Local Board roads, bridges and walls since the abolition of the Local Boards specially in the district of Midnapore?

Mr. S. A. SALIM (on behalf of the Hon'ble Mr. Mohammed Ali): (a) The total amount of grants paid to the District Board, Midnapore, was Rs.17,14,735 as detailed below :—

		Rs.
1942-43	..	2,94,814
1943-44	..	2,66,392
1944-45	...	5,11,192
1945-46	...	6,42,337

(b) A statement is laid on the Library Table.

(c) Most of the Local Board roads, etc., after abolition, are being maintained by the District Board with Board's engineering staff or by contractors. Roads of minor importance have been placed by some District Boards under the control of the respective Union Boards—the maintenance cost thereof is being partly contributed by the District Board annually.

Mr. MUHAMMAD HABIBULLAH CHAUDHURY: On a point of order, Sir. The Hon'ble Minister stated "a statement is laid on the library table", but there is no statement on the table. I think the question should be held over.

Mr. S. A. SALIM: I think a statement has been laid on the table.

Mr. BIMAL CHANDRA SINHA: Go and find it out.

Mr. JASIMUDDIN AHMED: In the library table there are three files, but I could not find any copy of the statement. I made enquiries yesterday also.

Mr. SPEAKER: That I do not know. My information is that a statement is there in the library table.

Mr. JASIMUDDIN AHMED: I enquired of the librarian and the assistant librarian.

Mr. S. A. SALIM: I think you better enquire again.

Mr. SPEAKER: I am satisfied that a statement has been laid on the table. So the question cannot be held over.

Mr. ISWAR CHANDRA MAL: Will the Hon'ble Minister be pleased to state why the figure for 1942-43 is lower than that for 1945-46?

Mr. S. A. SALIM: I want notice for that.

Mr. ISWAR CHANDRA MAL: Will the Hon'ble Minister be pleased to state on what basis the grant was made in 1942-43?

Mr. S. A. SALIM: Unfortunately I have not got the figures here. I want notice.

Mr. ISWAR CHANDRA MAL: Is it a fact that the total cess realised in the district is allocated to that District Board?

Mr. S. A. SALIM: It is. The total cess realised by District Officers is allocated to that particular District Board.

Mr. ISWAR CHANDRA MAL: Is it a fact that this amount for 1942-43 is the total cess realised that year?

Mr. S. A. SALIM: I want notice for that.

Mr. NISHITHA NATH KUNDU: Will the Hon'ble Minister tell us if the sums mentioned against the year include the cess collections for the district?

Mr. S. A. SALIM: I want notice I have not got the papers here.

Mr. ISWAR CHANDRA MAL: Will the Hon'ble Minister tell us what is the source of his information that local board roads are maintained by District Board?

Mr. S. A. SALIM: Generally I think where local boards have been abolished, the local board roads are maintained by the District Board.

Mr. ISWAR CHANDRA MAL: Will the Hon'ble Minister be pleased to state whether it is a fact that in the district of Midnapore there are no union boards?

Mr. SPEAKER: I do not see how it comes within the scope of this question.

Mr. ISWAR CHANDRA MAL: Because the Hon'ble Minister referred to union boards in his answer as regards contribution to the maintenance cost. But in Midnapore there are no union boards. Therefore this answer is incorrect.

Mr. S. A. SALIM: I meant that in those places where there is no union board the road is maintained by the District Board.

Mr. ISWAR CHANDRA MAL: How is the money contributed for maintenance of roads?

Mr. S. A. SALIM: My answer says definitely that in places where there are no union boards the District Boards make the contribution.

Mr. NISHITHA NATH KUNDU: Is the Hon'ble Minister aware that there are different classes of dispensaries under the District Boards?

Mr. S. A. SALIM: It concerns roads and not dispensaries.

Mr. NISHITHA NATH KUNDU: In the statement laid on the library table you have stated that Rs.500 and Rs.200 respectively per annum are granted to thana dispensaries and village dispensaries?

Mr. S. A. SALIM: Yes.

Mr. NISHITHA NATH KUNDU: Will the Hon'ble Minister please tell us if every thana and village dispensary in a district are automatically granted those sums, or the Managing Committee has to apply for that?

Mr. S. A. SALIM: The procedure is that when a dispensary is established at a particular thana, the Managing Committee applies to the District Board; the District Board sends it to the Civil Surgeon; the Civil Surgeon approves and refers it to Government and Government makes the grant on the recommendation of the Civil Surgeon.

Mr. NISHITHA NATH KUNDU: Mr. Speaker, Sir, there is a statement laid on the library table. In that statement it has been mentioned that Rs.500 and Rs.200——

Mr. SPEAKER: I have noticed that.

Mr. NISHITHA NATH KUNDU: That statement also mentions that in case of grants to village dispensaries the Civil Surgeon's recommendation is necessary but in the case of grants to thana dispensaries no such recommendation is required. I therefore put it to him whether this Rs.500 allotted to thana dispensaries in the districts will automatically be given to each and every dispensary, or the Managing Committee will have to apply for the grant?

Mr. S. A. SALIM: The Managing Committee has to apply for the grant.

Mr. NISHITHA NATH KUNDU: Is there any choice on the Government either to refuse to allot the grant or automatically as an application comes they get the grant?

Mr. S. A. SALIM: It is based on the recommendation of the Civil Surgeon.

Mr. NIKUNJA BEHARI MAITI: Will the Hon'ble Minister be pleased to state whether the cess collection in the district includes the amount that has been granted in the different years?

Mr. S. A. SALIM: I think the statement given here does not include the cess income of the Midnapore district. For this I want notice.

Mr. NISHITHA NATH KUNDU: Will the Hon'ble Minister be pleased to state if his statement laid on the library table regarding grant to thana and village dispensaries is correct or the statement that he has just now made in reply to my question is correct?

Mr. S. A. SALIM: I said about the procedure of making grants to village dispensaries and thana dispensaries. The statement says that a village dispensary gets a grant of Rs. 250 and a thana dispensary gets Rs. 500.

Mr. NISHITHA NATH KUNDU: But no recommendation is made in the case of thana dispensaries?

Mr. S. A. SALIM: I think the recommendation of the Civil Surgeon is absolutely necessary.

Mr. NISHITHA NATH KUNDU: Can the Hon'ble Minister give us an instance where a thana dispensary was refused allotment even when it applied for it?

Mr. S. A. SALIM: I want notice.

Retention of services of Emergency Sanitary staff.

***221. Mr. SUSHIL KUMAR BANERJEE:** (*a*) Will the Hon'bl Minister in charge of the Health Department be pleased to state whethe Sanitary Assistants and Public Health Assistants appointed during th famine period for coping with the emergency public health measures ar going to be disbanded soon?

(*b*) If the answer to (*a*) be in the affirmative, will the Hon'ble Ministe be pleased to state whether the Government are considering the desirabilit of retaining the services of these public health staff as normal condition ha not yet been restored?

Mr. S. A. SALIM (on behalf of the Hon'ble Mr. H. S. Suhrawardy) (*a*) The Emergency Sanitary staff is not being disbanded at present Th staff is being retained for a further period but the exact length of thi period is now under consideration.

(*b*) Does not arise at present

Mr. SUSHIL KUMAR BANERJEE: Will the Hon'ble Minister b pleased to state whether the staff will be retained till the end of the financia year?

Mr. S. A. SALIM: I think so

Two parallel Public Health organisations in the Province.

***222. Mr. SUSHIL KUMAR BANERJEE:** Will the Hon'ble Ministe in charge of the Health Department be pleased to state whether the Govern ment intends to pursue the present policy of maintaining two paralle Public Health organisations in the Province, namely, one under the loca bodies and the other under the Government?

Mr. S. A. SALIM (on behalf of the Hon'ble Mr. Mohammed Ali) What has been termed a parallel Public Health organisation under th Government is in fact an emergency staff under direct Government contr appointed since 1943 to supplement the activities of local bodies in th special conditions which have prevailed since that year. Government ar however considering the possibility of bringing both organisations unde their unified control in the interest of their better administration and hav decided for the present that the Health Services should be provincialised i those districts where the District Boards agree to such provincialisation.

Mr. BIMAL CHANDRA SINHA: Will the Hon'ble Minister be please to state whether the conditions which came into existence since 1943 ar still continuing and, if so, does Government consider it necessary not onl to maintain the present staff but to increase the strength?

Mr. S. A. SALIM: The condition that took place in 1943 does not exis now, but for better control of public health it will be necessary to contin the staff.

Mr. MUHAMMAD HABIBULLAH CHAUDHURY: Will the Hon'bl Minister be pleased to state how many of the District Boards are in favou of provincialisation?

Mr. S. A. SALIM: The District Board of Bogra, the District Board o Bakarganj, and the Darjeeling District Board

Mr. BIMAL CHANDRA SINHA: Will the Hon'ble Minister be please to state as to whether Government consider the retention of the services o the sanitary staff necessary in that case?

Mr. S. A. SALIM: Government consider the present staff shoul continue for the present.

Mr. MUHAMMAD HABIBULLAH CHAUDHURY: Will the Hon'ble Minister be pleased to state whether the District Board of Dacca of which the gentleman who is now answering the questions is the Chairman is against provincialisation?

Mr. SPEAKER: That question does not arise, because only three district boards have approved of this scheme. So Dacca does not come in.

Mr. BIMAL CHANDRA SINHA: Will the Hon'ble Minister be pleased to state the exact terms and conditions of provincialisation of these proposed services and would he also be pleased to explain if he is going to absorb the District Board staff into the present staff?

Mr. S. A. SALIM: I want notice for that. It is a very detailed scheme.

Mr. BADIUZZAMAN MUHAMMAD ILIAS: Will the Hon'ble Minister be pleased to state the names of the district boards which are against provincialisation?

Mr. S. A. SALIM: I have already stated that only three districts boards have agreed to provincialisation, and the rest are all against it.

Mr. BIMAL CHANDRA SINHA: Will the Hon'ble Minister be pleased to state if it is a fact that Government are giving facilities for securing cloth, etc., for their own institutions and not for institutions run by local bodies such as district boards?

Mr. S. A. SALIM: No, Sir.

Mr. BIMAL CHANDRA SINHA: Will the Hon'ble Minister be pleased to state if it is a fact that district board dispensaries have no stock of medicines and no supply of necessary cloth and that in spite of repeated reminders by them they were not made available to them?

Mr. S. A. SALIM: As a matter of fact district boards are supplied with medicine and cloth and they are also supplemented with these things in addition to their quotas if they apply to Government for the same.

Mr. BIMAL CHANDRA SINHA: Will the Hon'ble Minister be pleased to state if it is possible for anybody outside the Government to secure, for instance, quinine from the open market and if Government have been able to secure steady supply for the open market?

Mr. S. A. SALIM: Quinine is supplied by Government to the district boards concerned.

Mr. BIMAL CHANDRA SINHA: Will the Hon'ble Minister be pleased to state roughly what quantity of quinine was supplied to the district boards *vis a vis* the quantity supplied to the Government institutions?

Mr. SPEAKER: You may note, Mr. Sinha, that you are probably going away from the main question.

Mr. BIMAL CHANDRA SINHA: Sir, I am pointing out what distinctions there are at present between the two organisations and that is my point.

Mr. SPEAKER: The question is not the supply of quinine only but Government thinks that by provincialisation matters may be improved.

Mr. BIMAL CHANDRA SINHA: My point is not provincialisation of certain services but my point is that provincialisation of the services will not do. So far as the services are concerned they are interchangeable.

Mr. SPEAKER: What is your question?

Mr. BIMAL CHANDRA SINHA: My question is to see to it that medicines which are not obtainable in the open market and which require Government help to secure, are equally distributed to institutions run by local bodies and to Government institutions.

Mr. S. A. SALIM: It will be looked into.

Mr. NIHARENDU DUTT-MAZUMDAR: Will the Hon'ble Minister be pleased to state whether Government has taken any steps to ascertain the opinion of the district boards as to the provincialisation of the health services within their jurisdictions?

Mr. S. A. SALIM: In the Conference of the Chairmen of District Boards held about three months back opinion of the Chairmen was taken and it was found that the district boards of Bakarganj, Bogra and Darjeeling were in favour of provincialisation.

Mr. NIHARENDU DUTT-MAZUMDAR: Will the Hon'ble Minister be pleased to state the reasons given by the different district boards against provincialisation?

Mr. S. A. SALIM: It is a very big question and it will be very difficult for me to answer the question in a short reply because different district boards have given elaborate reasons for and against provincialisation.

Mr. ABDUS SABUR KHAN: Will the Hon'ble Minister be pleased to state if it is in the contemplation of Government to introduce compulsory provincialisation of the health services of the district boards?

Mr. S. A. SALIM: My answer has definitely been that Government do not contemplate enforcing any district board which does not want to join the scheme of provincialisation.

Mr. BADIUZZAMAN MUHAMMAD ILIAS: Will the Hon'ble Minister be pleased to state the reasons for taking Bogra into the scheme for provincialisation of health services? Is it because the Hon'ble Minister happens to be the Chairman of the Bogra District Board?

Mr. S. A. SALIM: It is because the Vice-Chairman of the Bogra District Board said in the meeting of the Conference of the Chairmen of the district boards that they were in favour of provincialisation.

Mr. NIHARENDU DUTT-MAZUMDAR: Will the Hon'ble Minister be pleased to state what were the grounds given by the Dacca District Board against provincialisation?

Mr. S. A. SALIM: Sir, this is a very big question. As a matter of fact to give a suitable reply to these questions it will take about 15 to 20 minutes.

Mr. NIHARENDU DUTT-MAZUMDAR: Give us only the main points.

Mr. S. A. SALIM: Most of the district boards feel that if the services of the district health officers and the health staff are provincialised, the control of the district boards over those services and staff will be nil, and except roads and communication no other important work will be left to them. Most of the district boards are therefore not in favour of provincialisation.

Mr. MUHAMMAD HABIBULLAH CHAUDHURY: In view of the fact that out of the 28 districts 25 districts are against provincialisation, will any useful purpose be served by introducing the scheme of provincialisation in some of the small districts like Bogra?

Mr. S. A. SALIM: This is a sort of experimental scheme which Government intends to introduce in some of the districts so that if it succeeds, it may give an impetus to other district boards to introduce it.

Mr. ABDUS SABUR KHAN: Will the Hon'ble Minister be pleased to state if he is aware that due to the financial stringency of almost all the district boards the health services and staff of the district boards are rather very ill paid?

Mr. S. A. SALIM: As far as the pay of the services are concerned it is being given under the direction of Government and every district board follows the same principle as regards pay. The pay of a Sanitary Inspector is Rs.100 plus dearness allowance and it comes to Rs.135. So I do not think, as far as pay is concerned, the Sanitary Inspectors will be affected at all under the scheme.

Mr. MUHAMMAD HABIBULLAH CHAUDHURY: Will the Hon'ble Minister——

Mr. SPEAKER: I find that there is a tendency of going into very minute details in putting supplementary questions. Next question.

Mr. MUHAMMAD HABIBULLAH CHAUDHURY: Only one more supplementary question I would put and then I finish, Sir.

Mr. NIHARENDU DUTT-MAZUMDAR: I would request you to allow only two more supplementary questions, one by Mr. Habibullah Chaudhury and the other by my own self, and then pass on to the next question (laughter).

Mr. SPEAKER: All right. But I find that there is a tendency to go into minute details to which no ready reply can be expected.

Mr. MUHAMMAD HABIBULLAH CHAUDHURY: Will the Hon'ble Minister be pleased to state whether in view of the fact that the Chairman of the Bogra District Board is now the Minister in charge of Local Self-Government, he wants to transfer the power from Bogra to Writers Buildings?

Mr. SPEAKER: I disallow the question.

Mr. NIHARENDU DUTT-MAZUMDAR: Will the Hon'ble Minister be pleased to state whether the objection to provincialisation was based on one of the facts that by provincialisation of the health services the loss on account of the trading of quinine and other medicinal drugs in the black market will be sustained?

Mr. SPEAKER: I disallow the question.

Bengal Time.

***223. Mr. SATISH CHANDRA BOSE:** (*a*) Will the Hon'ble Minister in charge of the Chief Minister's (Establishment) Department be pleased to state if the "Bengal Time" is still in force?

(*b*) If the answer to (*a*) is in the affirmative, will the Hon'ble Minister be pleased to state the reasons thereof?

(*c*) Is the Hon'ble Minister considering the desirability of enforcing the "Indian Standard Time" throughout Bengal?

(*d*) If not, why not?

Mr. S. A. SALIM (on behalf of the Hon'ble Mr. H. S. Suhrawardy): (*a*) Yes.

(*b*) The Indian Standard Time was not adopted in Bengal for two reasons: firstly, the local time of Calcutta and most other places in Bengal

is about half an hour in advance of the Indian Standard Time. Secondly, the adoption of the Indian Standard Time would have resulted in an unnecessary loss of coal and of electrical energy, both of which it was necessary to conserve to the greatest extent possible

(*c*) No.

(*d*) For the same reasons as stated in (*b*) above

Mr. SURESH CHANDRA DASGUPTA: মন্ত্রী মহাশয় উত্তরে যে বলেছেন Indian Standard time প্রবর্ত্তন করলে বেশী পরিমাণে coal এবং electrical energy খরচ হবে কিন্তু এখন যুদ্ধ থেমে গিয়েছে সুতরাং এ বিষয়ে এখন মনোযোগ দেওয়ার প্রয়োজন আছে কিনা?

Mr. S. A. SALIM: At the present moment the position of coal is very bad in Bengal.

Mr. SURESH CHANDRA DAS GUPTA মাননীয় মন্ত্রী মহাশয় যে বেশী electrical energy খরচ হবে বলে ভয় করছেন কিন্তু শীতকালে আমলাদের আফিস আসতে হলে রাত্রি থাকতেই তাদের রান্নার জন্য বাড়ীতে আলো জ্বালাতে হয় সেই খরচের কথা গভর্ণমেণ্ট বিবেচনা করবেন কিনা?

(No answer)

Maharaja SRIS CHANDRA NANDY, of Cossimbazar: Will the Hon'ble Minister be pleased to state if it is not possible to hold office half an hour earlier and adopt Calcutta time which was prevalent in Calcutta for so many years instead of adopting the Indian Standard Time?

Mr. S. A. SALIM: The suggestion given by the Maharaja will be looked into.

Maharaja SRIS CHANDRA NANDY, of Cossimbazar: Will the Hon'ble Minister be pleased to state if Government is aware that specially during the winter months it becomes extremely difficult for officers to get to office owing to the change of time?

Mr. S. A. SALIM: Yes.

Mr. BIMAL COMAR GHOSE: It has been stated in answer (*b*) that the local time of Calcutta is about half an hour in advance of the Indian Standard Time Will the Hon'ble Minister be pleased to state if it applies to the present day?

Mr. S. A. SALIM: Yes

Mr. BIMAL COMAR GHOSE: Are there two times in Calcutta today?

Mr. S. A. SALIM: The only difference between the previous Calcutta time and the present Bengal time is only of 36 minutes

Mr. BIMAL COMAR GHOSE: My question was, are there today two times in Bengal—one Local and the other Standard Times?

Mr. S. A. SALIM: There is only one time, that is, the Bengal Time.

Mr. BIMAL COMAR GHOSE: The Calcutta Time was 24 minutes ahead of the old Indian Standard Time Will the Hon'ble Minister be pleased to state whether there was any necessity to have that time 24 minutes ahead?

Mr. S. A. SALIM: No Sir

Mr. BIMAL COMAR GHOSE: In view of the answer just given will the Hon'ble Minister be pleased to consider the desirability of standardising time throughout India by accepting the Indian Standard Time?

Mr. S. A. SALIM: I have given the answer so far as Bengal is concerned. We adhere to the Bengal Time.

(Unstarred question No. 80 was called out.)

Mr. HARIPADA CHATTOPADHYAYA: What about questions Nos. 76 and 77?

Mr. SPEAKER: They have been answered, and questions 78 and 79 are held over.

UNSTARRED QUESTIONS

(answers to which were laid on the table)

Opening of classes in some special subjects in Medical College and Campbell Medical School.

80. Dr. MD. MOZAMMEL HOSSAIN: Will the Hon'ble Minister in charge of the Health and Local Self-Government Department be pleased to state—

(*a*) whether he intends to open compulsory classes in the following special subjects, viz., Eye, Nose, Throat and Tooth in Medical College and Campbell Medical School; and

(*b*) if so, when?

Mr. S. A. SALIM (on behalf of the Hon'ble Mr. Mohammed Ali): (*a*) These are already existing.

(*b*) Does not arise.

Revision of pay-scales of Government servants.

81. Mr. SURES CHANDRA DAS GUPTA: (*a*) Will the Hon'ble Minister in charge of the Chief Minister's (Establishment) Department be pleased to state whether the Special Officer has submitted his report regarding revision of pay-scales of Government servants especially ministerial offices of the Province?

(*b*) If the answer to (*a*) is in the affirmative, will the Hon'ble Minister be pleased to state—

(*i*) when it will be given effect to; and

(*ii*) whether Government contemplate publishing this report?

Mr. S. A. SALIM (on behalf of the Hon'ble Mr. H. S. Suhrawardy): (*a*) The Special Officer was not required to submit a report but was asked to suggest how best to implement the recommendations of the Bengal Administration Enquiry Committee's report that pay-scales should be standardised, rationalised and revised. His suggestions, both general and particular, in this respect are now under examination.

(*b*)(*i*) The orders regarding revision of pay-scales are expected to be issued shortly and will take effect retrospectively from the 1st January, 1947.

(*ii*) As no report was either called for or submitted, the question of publishing the same does not arise.

Mr. SURESH CHANDRA DAS GUPTA: মাননীয় মন্ত্রী মহাশয় এই উত্তরে যে বলেছেন Special Officer suggestions দিয়েছেন সেটা কি তিনি লিখিতভাবে না মৌখিক দিয়েছেন?

Mr. S. A. SALIM: Suggestions were asked for and a written report has been submitted.

Mr. SURESH CHANDRA DAS GUPTA : মাননীয় মন্ত্রী মহাশয় এই মাত্র উত্তরে যে বলেছেন written report has been submitted, কিন্তু উত্তরে দেখেছি লেখা আছে "No report was either called for or submitted, the question of publishing the same does not arise" এই দুইটি উত্তরের সামঞ্জস্য করে দেবেন কি?

Mr. S. A. SALIM: After the question was answered the report has been received.

Mr. SURESH CHANDRA DAS GUPTA : মন্ত্রী মহাশয় যে বলেছেন তাঁর কাছে report চাওয়া হয় নাই, suggestion চাওয়া হয়েছিল— তিনি কি পরে তাঁর কাছে report চেয়েছিলেন?

Mr. S. A. SALIM: Suggestion means that he was asked to suggest something and a detailed report has been submitted.

Mr. SURESH CHANDRA DAS GUPTA : তাহলে যে suggestionটি লিখিত আছে সেটা প্রকাশ করবেন কি?

Mr. S. A. SALIM: The report containing the suggestions is under the consideration of Government.

Mr. SURESH CHANDRA DAS GUPTA : এই consideration কত দিনে করা হবে সেই Timeটা বলবেন কি?

Mr. S. A. SALIM: I cannot give you the time.

Mr. SURESH CHANDRA DAS GUPTA : একটা আন্দাজেও বলতে পারেন না?

Mr. S. A. SALIM: No, Sir.

Introducing uniformity in weights and measures in the Province.

82. **Mr. ANNADA PRASAD MANDAL:** (*a*) Will the Hon'ble Minister in charge of the Industries Department be pleased to state whether any step has been taken by Government to introduce uniform weights and measures in this Province?

(*b*) Are the Government aware that cultivators are very often cheated by purchasers for want of uniformity in weights and measures?

(*c*) If the answer to (*a*) is in the negative, do the Government consider the desirability of immediately taking steps for introducing uniform weights and measures?

MINISTER in charge of the COMMERCE, LABOUR and INDUSTRIES DEPARTMENT (the Hon'ble Mr. Shamsuddin Ahmed): (*a*) Yes. I hope to introduce during the next session a Bill to standardise weights and measures throughout the Presidency.

(*b*) Yes.

(*c*) Does not arise.

Mr. A. F. STARK: Will the Hon'ble Minister be pleased to state if the "next session" in answer (*a*) means this session?

Mr. K. NASARULLA: The Hon'ble Minister is not here.

Mr. SPEAKER: What of that?

Mr. BIMAL COMAR CHOSE: Sir, that is the most unsatisfactory manner of answering. The question may be held over.

Mr. K. NASARULLA: What is the question?

Mr. A. F. STARK: The question is: if the "next session" in answer (*a*) means the current session?

Mr. K. NASARULLA: Yes, it does.

Mr. MUHAMMAD HABIBULLAH CHAUDHURY: Will the Hon'ble Minister be pleased to state when the Bill be introduced?

Mr. K. NASARULLA: I have said that in reply (*a*).

Mr. BIMAL CHANDRA SINHA: Sir, I rise on a point of order. This question is to be replied by the Hon'ble Mr. Shamsuddin Ahmed. I find that he is absent today. Then I refer you, Sir, to the "Preliminary" of our Rules, where it has been said " 'Minister' means a Member of the Council of Ministers, and includes any member to whom such Minister may delegate any function assigned to him under these rules". Under this rule a Minister can delegate his function only to another Minister who happens to be a Member of the Council of Ministers. I demand your ruling as to whether a Parliamentary Secretary belongs to the Council of Ministers. Is he really a Member of the Council of Ministers, or is a Minister half budding, or what exactly is his status? A Minister may delegate his functions to another Minister; they are interchangeable, but are the functions of a Minister interchangeable with Parliamentary Secretary's?

Mr. MAFIZUDDIN AHMED: It is strange that a veteran parliamentarian like Mr. Sinha should try to mislead the House in such an awkward way. He has tried to explain the rule He has himself read that a Minister includes a member of the House.

Mr. BIMAL CHANDRA SINHA: I have said a Minister means a Member of the Council of Ministers.

Mr. MAFIZUDDIN AHMED: This matter was raised in the House more than once and the ruling was given by the Chair that a Minister can delegate powers to any member of this House and he can perform the functions of a Minister.

Mr. SPEAKER: The rule is clear. Minister means a Member of the Council of Ministers and includes any member of this House. Minister can delegate powers to him.

Mr. BIMAL CHANDRA SINHA: My point is, does "member" means "Member of the Council of Ministers" and whether Parliamentary Secretary is a Member of the Council of Ministers?

Mr. SPEAKER: Parliamentary Secretary is a member of this House and certain powers may be delegated to him by a Minister.

Mr. BADIUZZAMAN MUHAMMAD ILIAS: Will the Hon'ble Minister be pleased to consider the desirability of introducing this Bill in this session?

Mr. SPEAKER: No The answer was that it would be introduced in the next session.

Questions over. The House stands adjourned till 4-30 p.m

(The House was adjourned till 4-30 p.m. on account of election for the Textile Board.)

(After adjournment)

Mr. DHIRENDRA NATH DATTA: Mr. Speaker, Sir,——

Mr. SPEAKER: Let me first declare the result of election. Mr. Ilias Ali Molla has been elected as a member of the Textile Board. Yes, Mr. Datta.

Adjournment motion.

Mr. DHIRENDRA NATH DATTA: Sir, I gave notice of an adjournment motion over an incident which took place yesterday at Sitaram Ghose Street. It was a very unfortunate incident and I find that consent has been refused. I do not understand how consent can be refused to such a motion. I want to know the reasons.

Mr. SPEAKER: The honourable members know that an adjournment motion is an extraordinary procedure and not an usual procedure. This motion is brought for the suspension of the usual business of the House. So it must be seen that the matter is so important that it must find precedence over the business already on the agenda. A motion of an identical nature was discussed only the other day

Mr. HARIPADA CHATTERJEE: No, Sir, that was in connection with gagging—precensorship—of the press.

Mr. SPEAKER: Yes; that was in connection with gagging of the press but the speeches which were delivered in the House were less about precensorship and more about atrocities alleged to have been done by a certain section of the police Here is an incident of such a nature. Such incidents will crop up every day. (Uproar.)

Mr. HARIDAS CHATTERJEE: How can you say such incidents must occur every day.

Mr. SPEAKER: I mean may occur.

The Hon'ble Mr. H. S. SUHRAWARDY: I do not know why there are shoutings from the other side It is quite clear that if bombs are thrown, acids are thrown, persons are stabbed, miscreants loot and slaughter, then there will be also shooting on the part of the Police.

Mr. DHIRENDRA NATH DATTA: Of course I know, Sir, and I am fully aware that an adjournment motion means to adjourn the business of the House and the matter must be extraordinary, but, Sir, human life also is not a cheap thing, and if extraordinary things happen in this city, then the business of the House should be adjourned to discuss those extraordinary matters.

Mr. SPEAKER: What is the object of this adjournment motion? The object is to bring certain things to the notice of the House and this has been done during the last adjournment motion. (A VOICE: That was not a fact.) Whether that was a fact or not, I will not say anything about that, but it was clearly stated by different speakers that a certain section of the Police are committing acts of atrocities on the people That has been brought to the notice of the House once only the other day So I do not think that individual incidents like this should be made subject-matter of adjournment motion every day.

Mr. DHIRENDRA NATH DATTA: Sir, the incident referred to did not take place when the adjournment motion on the precensorship--on gagging the press was moved The incident took place only yesterday If a certain policeman—whoever he may be and to whichever caste or community he may belong—enters into my house and commits murder, without any reason commits cold-blooded murder, and if in order to discuss that matter an adjournment motion is brought up, it cannot be said that an adjournment motion of that nature has already been moved, so it will not be allowed to be discussed. If a certain policeman enters the house of the Chief Minister, for instance, and commits murder, will not that matter be a subject of an adjournment motion?

Mr. SPEAKER: So far as this particular incident is concerned, it can be dealt with by the ordinary law of the lands.

Mr. DHIRENDRA NATH DATTA: Sir, I was told yesterday that *atrocity is not a definite matter of urgent public importance. A particular* incident may be considered a definite matter of public importance. Just now I am told again that a particular incident is not a definite matter of public importance. What can be done? The incident of 100, Harrison Road was allowed to be discussed because it was a definite matter of public importance, and the motion of my friend Mr. Sinha was not allowed to be discussed on the ground that it was a general case and it deals with atrocities of the Police. Today we are considering a definite matter—an incident which took place yesterday. A cold-blooded murder has been done by the Police. One person has been shot dead by the Police. I say it is a definite charge against the Police and a definite matter of public importance. This, I submit, should be allowed to be discussed.

The Hon'ble Mr. H. S. SUHRAWARDY: Sir, I do not know to what incident the honourable member refers; but if any incident is termed by them as "murder", then in almost every case where there has been shooting or persons have been shot, this can always be said irrespective of the fact from where the shooting has taken place. As a matter of fact it would appear from what the honourable member has said that it is probably the first time that a shooting has taken place, that a person has been shot by a section of the Police against whom the honourable members are arrayed. Hitherto other sections of the Police have also shot, and there have always been complaints whenever there has been a shooting that people have been shot cold-blooded, they have been shot without reasons, they have been shot by entering houses and so on. All these matters, if there are any such matters for consideration, will always be considered by Government if they are placed before them and enquiries will be held. But that does not mean that whenever there has been a shooting, anybody is entitled to come to this House and plead innocence and say that we have been committing cold-blooded murder.

Mr. DHIRENDRA NATH DATTA: It seems that the Hon'ble the Chief Minister does not know the facts of the case and he passes judgment without knowing the facts of the case. He must know the facts of the case and then consider whether really it is a definite matter of public importance which comes within the purview of the adjournment motion or not

The Hon'ble Mr. H. S. SUHRAWARDY: My friend himself cannot know the case. He can only make charges and allegations.

Mr. DHIRENDRA NATH DATTA: I assert that it is a cold-blooded murder. I do assert this. There are eye-witnesses.

Mr. NIHARENDU DUTT-MAZUMDAR: Mr. Speaker, Sir, the question that this incident brought to your notice by Mr. Datta, the Deputy Leader of the Opposition raises is the insecurity of citizens inside their homes. They are being dragged out and murdered on the street.

Mr. SHARFUDDIN AHMAD: I rise on a point of order, Sir.

Mr. SPEAKER: Mr. Sharfuddin Ahmad, please take your seat.

Mr. NIHARENDU DUTT-MAZUMDAR: This gives rise to a situation arising out of the incident which took place yesterday which he knew. Other issues were raised undoubtedly——

Mr. SPEAKER: You are repeating the same thing which has been referred to by Mr. Datta.

Mr. NIHARENDU DUTT-MAZUMDAR: I am referring to that with a view to finding out the real position. I am surprised to find that in view of what the Chief Minister has stated, he is not aware of the facts and circumstances of the case. In view of what has been stated by the Deputy

Leader of the Opposition that he has enquired into it and he has satisfied himself, it is a fit case for an adjournment motion. The purpose of the statement of facts is this that a member moving an adjournment of the House takes the responsibility for the facts alleged, and moreover one member of this House is personally a witness to the occurrence.

Mr. SPEAKER: Mr. Dutt-Mazumdar, I have made it clear that it is not for me to decide whether such incidents have occurred or not. I am concerned with giving consent to the motion.

Mr. NIHARENDU DUTT-MAZUMDAR: I know, Sir, it is not for you to see whether this fact actually took place or not, but this fact has been brought to your notice and is made the foundation for an adjournment motion and it behoves all the careful consideration that the Opposition can claim from you and it does not behove the Hon'ble the Chief Minister to get up and declare *ex parte* that if such things happen, shootings will occur and occur every day. It is, Sir, aiding and abetting murder and it has created, Sir, a painful impression, coming as it does from the lips of the Hon'ble the Chief Minister——

Mr. SPEAKER: Mr. Dutt-Mazumdar, I cannot allow you to make a debate on this issue.

Mr. NIHARENDU DUTT-MAZUMDAR: But you will be pleased to consider this that this question took place only yesterday, and it is a fit case for an adjournment motion to which your consent has been sought.

Mr. SPEAKER: The responsibility of not giving consent is entirely mine and so I am not concerned with what you may say or what the Chief Minister has stated.

Mr. NIHARENDU DUTT-MAZUMDAR: I am glad, Sir, that you have repudiated the statement of the Chief Minister, but I beg of you to take into account this fact that either it is the Speaker's privilege to give consent or not. We bow down to your decision about giving consent or refusing consent but we are entitled to submit to you that you may be pleased to consider the enormity of the situation, the intensity of the feeling and the gravity of public danger that arises, and give your close consideration before refusing your consent. I would therefore suggest to you, Sir, that you may be pleased to reconsider this question. Mr. Datta and also an honourable member who is a personal witness to this incident will satisfy you as to the *prima facie* very reasonable ground on which the adjournment motion can be moved. If after that you are satisfied—if even in your Chamber you are satisfied—that this is a matter which does not warrant your consent for an adjournment motion, then it is your unquestioned privilege to proclaim that you refuse consent. But you must give your thought to this matter in your Chamber, you must give them a hearing for a few minutes and then come to a decision. I am sorry, Sir, if those honourable gentlemen do not realise the gravity of the situation and if, Sir, the honourable members on the other side are so anxious to demonstrate that they are going to ride rough-shod over the wishes and submissions of the members on this side of the House, then a very difficult situation is created in the House both for yourself and for the House for the order and harmony of the House itself. With their majority they may pass whatever they desire but they should have the decency to give a respectful hearing to the submissions of the minority community. My request to you is—— (At this stage there was loud noise from the Government as well as from the Opposition benches.) Sir, I am quite prepared to ignore their howling and yelling, and my concrete request to you is to reconsider this and to give an opportunity to the honourable the Deputy Leader of the Opposition and the honourable member who is a personal witness to make their submissions in your Chamber.

Mr. SPEAKER: Mr. Dutt-Mazumdar, you are repeating the same argument over again.

Mr. NIHARENDU DUTT-MAZUMDAR: I would request you please to give them a hearing for ten minutes in your Chamber now.

Mr. BIMAL COMAR GHOSE: Sir, the point at issue is whether the motion is admissible or not. You yourself have admitted that it satisfies that it is a definite matter of urgent public importance and of recent occurrence. The only question, as far as I have understood you, Sir, is—you are entitled to correct me if I am wrong—that a substantially identical motion was given consent to, but that is not a fact, Sir. What the adjournment motion seeks to do is to condemn police atrocities or atrocities committed by the police. An adjournment of that nature was brought by me which received your consent, but it was not discussed for certain reasons, namely, that a case had been instituted. The adjournment motion which we discussed the other day was on the pre-censorship of the Press. The question of police atrocities came in indirectly and we could not bring in all the facts about police atrocities to place before you. But if my resolution or the adjournment motion was moved and debated upon and discussed, probably you would have been entitled to say that you would not give your consent to this motion. That motion was not discussed and therefore the question of police atrocities was not discussed, and so we are entitled to be heard on that issue today. About the admissibility of that adjournment motion I made certain submissions the other day to you and I do not want to take your time by repeating those arguments. But what I wanted to submit is that this is not an identically similar motion. If my motion had been discussed, probably we would not have been entitled to this second discussion. I hope you will give your sympathetic consideration to this so that the Opposition may not be shut out but facts may be placed before the House with a view to helping Government to take necessary action. A section of the public is greatly agitated over these incidents and it is their right to place their grievances before Government. But if the Government is not going to listen to them, we cannot but bring those grievances into this House by way of an adjournment motion, and that is the purpose of this motion.

Mr. SPEAKER: As I stated before, although the adjournment motion which was discussed the other day related to precensorship of the Press, all the speeches that were delivered in this House referred to certain incidents of alleged atrocities of a certain section of the police. I could have stopped those speeches if I wanted to do so because under the rules of procedure those incidents could not strictly have been mentioned in a motion like that. But I allowed those speeches only because the Opposition felt very keenly on that particular issue and that they wanted to give vent to their feelings through that adjournment motion. Therefore I allowed those speeches—unrestricted and unrestrained—on various alleged atrocities of a certain section of the police in this city. So I think that the primary object of the adjournment motion regarding the alleged atrocities of a particular class of police in the city of Calcutta was brought to the notice of this House very vividly and I do not think that an individual instance will advance the matter very much. So I said that the motion which was already discussed was of an identical nature though it was not couched in a language similar to this. From the speeches delivered it will appear that the feeling which the honourable members now wan to express was expressed already during the discussion of that motion.

Mr. NIHARENDU DUTT-MAZUMDAR: Then, Sir, what is your direction on my request?

Mr. SPEAKER: I do not think I need give any direction.

Mr. BIMAL COMAR CHOSE: If individual instances cannot——

Mr. SPEAKER: For individual instances the ordinary law of the land is quite enough to bring the culprit to book.

Mr. DHIRENDRA NATH DATTA: Sir, atrocities in general are also series of incidents and it can be contended that each incident can be the subject-matter of Criminal Procedure.

Mr. SPEAKER: But each incident cannot also be the subject-matter of an adjournment motion because as I have already pointed out an adjournment motion is a very extraordinary procedure which adjourns the business of the House.

Mr. DHIRENDRA NATH DATTA: Sir, if incidents of this nature cannot form the subject-matter of an adjournment motion I do not know what can! I think Government should be in a position to welcome discussion of such matters and should not object.

Mr. SPEAKER: I have already given my decision.

Mr. BIMAL COMAR CHOSE: Whatever might be the speeches delivered on the previous adjournment motion, the motions are not identical.

Mr. SPEAKER: That might be.

Mr. BIMAL COMAR CHOSE: And, therefore, I submit that you are not entitled to rule this out. I think it will not be quite proper to do so. We shall not be properly treated if this motion is considered to be identical with the other one. The motion as it is read does not appear to be identical.

Mr. DHIRENDRA NATH DATTA: In view of the fact that we feel very strongly may I request you to reconsider your decision?

Mr. SPEAKER: As I have already said I cannot.

Mr. DHIRENDRA NATH DATTA: You may be pleased to hear the facts from me and other honourable member who happened to be an eye witness I have ascertained these facts.

Mr. SPEAKER: That I am not in a position to dispute. So far as I am concerned I ruled that individual incidents cannot form the subject-matter of an adjournment motion from day to day. It may be true or it may be false that does not affect me at all

Mr. DHIRENDRA NATH DATTA: It affects Government because such incidents are happening almost every day. Government do not intend to put a stop to them As a matter of fact they are abetting the commission of such offences. We feel very strongly in the matter and if you, Sir, do not reconsider your decision we feel we cannot take part in the proceedings of the House. (Loud uproar and laughter.) Has human life become so cheap? Why this laughter? A member of a particular community has been shot dead and the gentlemen over there are laughing over the incident. The reason for our decision not to take part in the proceedings has been really supplied by them. It is impossible to take part in the proceedings in view of the fact that a man—whichever community he might belong to—has been shot dead and those gentlemen over there are laughing over the incident (MR ABU TAIYAB MAZHARUL HAQUE: That attitude was already apprehended)

Mr. NIHARENDU DUTT-MAZUMDAR: There has been a cold-blooded murder and the murderer should be hanged.

Mr. DHIRENDRA NATH DATTA: Sir,——(Interruptions.)

Mr. SPEAKER: Please resume your seat. It is a matter for the Opposition to decide whether they should participate in the proceedings or not, but it will be unfair on their part to withdraw from this House on an issue which concerns the Chair and at a time when there is a very important Bill pending before the House.

Mr. DHIRENDRA NATH DATTA: We are fully aware of it. We do not cast any aspersion on the Chair. In view of the statement of the Hon'ble Chief Minister and in view of the conduct of my friends opposite we refuse to take part in the proceedings.

(At this stage the Opposition withdrew from the House.)

Mr. SHARFUDDIN AHMAD: Sir, State acquisition is the bug-bear that is dragging away the Opposition.

Mr. JYOTI BASU: I rise on a point of privilege, Sir. I should like to make a few submissions to you. You have just now given a very grave decision on the matter of an adjournment motion. You have ruled that in view of the fact that one particular adjournment motion formed the subject-matter of discussion day before yesterday it is not possible for us to take up a similar adjournment motion on similar subject-matters in future. This is a very grave state of affairs. Supposing, Sir, tomorrow or day after tomorrow or day after that and every other day the Bengal Government Police chooses to shoot down people (Mr. SHARFUDDIN AHMAD: That is a hypothetical question) as they have been doing in the villages of Bengal and have started doing in Calcutta—they have done it in Noakhali where innocent Muslims have been shot dead—where does the remedy lie? I ask this question because you have ruled that we cannot move adjournment motion on a matter like this and we have no privilege left on the matter. We should like to have your opinion on this question.

Mr. SPEAKER: I am not prepared to give a ruling on a hypothetical question. When a matter like this comes up before the House that will have my due consideration.

Mr. JYOTI BASU: How is it hypothetical, Sir?

Mr. SPEAKER: Because you have said, "supposing the Police in Bengal shoots down people in the villages and other places what will happen" You have not raised a new point. Those points were raised by other honourable members and you have heard them and you have also heard the Chair.

Mr. JYOTI BASU: You said that because a man was shot dead we cannot bring an adjournment motion.

Mr. SPEAKER: Well, I am not going to explain my ruling over again and you ought to understand.

Mr. A. F. STARK: I may make one suggestion, and that is the Hon'ble Chief Minister, after an enquiry has been made into the alleged incident, will make a brief statement in this House of the facts of the incident.

The Hon'ble Mr. H. S. SUHRAWARDY: That could certainly be done. As a matter of fact Government is always open to receiving complaints and the Advisory Committee which has been formed has often enough put forward complaints which have been enquired into, and the results of the enquiry have been placed before that Advisory Committee. On no occasion have I denied such an opportunity to any person who has placed any complaint before Government. But, Sir, it would appear—and it is a matter of regret—that the Opposition are bent on creating a situation for the purpose of exciting public feeling among the Hindus of Calcutta and of Bengal. I am sorry that they should do so. We knew that the Opposition

would create a situation before this Bill could be put through because we felt that the Opposition were not prepared to face the issues arising out of the present Bill. They have not spoken on the floor of the House; they have given no indication regarding their views other than moving a simple motion of circulation; and I am afraid, Sir, that they would create some situation to enable them to walk out, so that they may not tell the House as to what their attitude is towards the abolition of zemindary and other rent-receiving interests. Is this the first time that the police have shot at people? They have shot before, but have the Opposition raised a similar question before? Or is it for the first time that a section of the police to whom they were opposed had shot at people? On previous occasions the police of their own community have shot at people. It appears that it is not the shooting by the police which is a matter of concern to them but the shooting by a section of the police against whom they are aligning themselves and whom they are determined, if they possibly can, to discredit so that these policemen may not be able to perform their duties. I remember the last August disturbances. Bombs were thrown, persons were killed, stabbed and shot and murders took place and there was a cry from all sections of the House, from all representatives of public opinion, from all people of Calcutta to this effect, "Why are not the police shooting? Why do not the police shoot to bring the situation under control? If they had shot early on them things would have been brought under control much earlier. Even now it is only by action—swift and quick action—on the part of the police that things can be brought under control. It is quite clear therefore that the excuse which they are now placing before the House, namely, shooting by the police, is not adequate. I do not know the circumstances of the case to which they are referring, but hearing from their lips that some policeman has shot somebody it seems that he must have done so in the exercise of his duties. I do not care which section of the police shoots whom. If there are miscreants about, they will be dealt with by the police, I hope, irrespective of what section the policemen dealing with them belongs to and who is shot. I think we ought to encourage not a feeling that one section of the police is against another but that all sections of the police are wholly non-communal, that they are here for the purpose of performing their duties and preserving law and order and that they will take action against miscreants performing these acts of lawlessness. I feel, Sir, we cannot allow, if I may so place it before you, the work of the legislature to be impeded by such walking out and by absence from the floor of this House. I do not think that by adjourning the matter today or adjourning the House today and putting it off to another day we shall make any progress. I fear other occasions will arise, however flimsy they may be, which will be taken advantage of by them for the purpose of walking out from this House. And I would humbly suggest to you that you take no notice of their action and you proceed with the business of the day. (Applause.)

Mr. JYOTI BASU: Sir, I want to make a submission. In view of the fact that an important Bill is being discussed it is not proper to say that because they did not want it to be discussed, the Congress members have walked out. They have walked out on a very important issue, and therefore I think a chance should be given to them till they come back tomorrow when this Bill can be taken up. Otherwise in the teeth of such an opposition I do not think we can discuss this Bill over here. It is very difficult.

Mr. SPEAKER: There is some difficulty about that so far as I am concerned. Yesterday I acceded to the request of some honourable members belonging to the Opposition not to take any decision with regard to motions which were before the House because the Opposition did not attend the meeting on certain plea and accordingly no decision was taken. Whether they would attend yesterday or not was not mentioned on the previous day and all of a sudden I found that the Opposition benches were empty. I got a letter from some honourable members and I acceded to their request not to

come to a decision on the motions which were before the House. Today I find that in spite of my reminding the fact that an important Bill was pending before the House the honourable gentlemen belonging to the Opposition thought it fit to withdraw from the House. I do not think it will be fair on the part of the Chair to give further opportunities on this occasion. If they did consider the importance of the Bill, they ought to have foregone their decision for withdrawing from the House.

Mr. JYOTI BASU: If a man is shot before your eyes!

Message.

Secretary then read the following messages received from the Bengal Legislative Council:—

(1) "That the concurrence of the Bengal Legislative Assembly be asked to the Calcutta Rent Bill, 1947, as passed by the Bengal Legislative Council at its meeting held on the 31st March, 1947".

(2) "That the concurrence of the Bengal Legislative Assembly be asked to the Usurious Loans (Bengal Amendment) Bill, 1947, as passed by the Bengal Legislative Council, at its meeting held on the 14th March, 1947".

GOVERNMENT BILL.

The Bengal State Acquisition and Tenancy Bill, 1947.

Maharajadhiraja Sir UDAY CHAND MAHTAB Bahadur of Burdwan: Mr. Speaker, Sir, may I speak on the circulation motion moved yesterday by Mr. Amar Krishna Ghose on behalf of Mr. Bimal Chandra Sinha?

Sir, I have heard with attention the speech of the Hon'ble the Revenue Minister in introducing the Bengal State Acquisition and Tenancy Bill. It has disappointed me very much. I have never heard a responsible Minister to talk at random on so important a subject which vitally affects about ⅓ of the population of this province. The Bill stands self-condemned because of the admission of, practically, all the important objections that can be brought forward against a mischievous and obnoxious measure like this. The Minister in the major portion of his speech has but relayed the departmental note of the 19th of November, 1946. What is seen is the hand of Esau but the voice that we hear is the voice of Jacob. I pity him.

The time at my disposal is very short. So I would deal with only some of the important points raised by the Minister in his speech. The Hon'ble Minister has mentioned of the inactivity and sluggishness of the zemindars, but that only proves his ignorance of the fact that the persons with whom the Permanent Settlement was made by the East India Company were responsible for clearing jungles, settling tenants and developing the country. It is their labour and money which have made the country what it is today. But in return they have been denied the promised enjoyment of the fruits of their own good management and industry. They have repeatedly been taxed. They have been paying to the public exchequer today more than double the amount fixed under the Permanent Settlement. I am glad that the Minister consciously or unconsciously has admitted that it is the Bengal Tenancy Act, having the sanction of the legislature behind it, that has made the matters more complicated and harmful by providing for unrestricted transfer and subletting of occupancy holdings which led to the passing of lands into the hands of non-cultivating owners. I am surprised that in spite of this admission all defects in the rural economy is attributed to the Permanent Settlement. It has become a fashion to hold the Permanent Settlement responsible for any social, cultural, economic or administrative evil.

According to the Minister, there is an overwhelming demand of the people of the province for the abolition of the present land tenure system. In support of that, scripture has been quoted; a statement of Mahatma Gandhi made in 1938 has been referred to. May I also draw the attention of the Hon'ble Minister to Mahatmaji's latest views on the zemindary system published last week? The Minister has in this connection also referred to the recommendation of the Revenue Commission. The least said about the Revenue Commission the better. It was a packed Commission, which decided questions not on the volume of evidence placed before it but probably on the behest of Writers' Buildings. The majority of the witnesses, including the representatives of the Finance Department of the Government of Bengal, did not support the idea that the abolition of the Zamindary system will turn Bengal into a paradise.

The Hon'ble Revenue Minister is happy that they have been able to take a firm decision regarding the abolition of the system and to bring a Bill before the House. He may neither have the sense to realise the gravity of the situation nor any cause to be unhappy in future on the apprehended results of the destructive move, but the country at large and those who can foresee the far-reaching consequences that will come out of this Bill will stagger at this very idea.

The Hon'ble Minister has stated that the Law Officers of Government are of opinion that any compensation fixed by the legislature is sacrosanct. This is nothing but a suppression of facts. He should have placed before the House the full text of the opinion obtained. Is it not a fact that the Advocate-General, Bengal, towards the middle of 1946 opined that "if the amount of compensation fixed be not real but is of an illusory kind or based on arbitrary principles, then it will not be compensation as contemplated by section 299 and the challenge to the legality of the legislation on the constitutional issue is likely to be successful?" Let not Government deceive themselves.

This is a matter in which the land-holders are vitally concerned and they will not take lying down any decision made by sheer majority of votes in vindication of communalism.

The Hon'ble Mr. H. S. SUHRAWARDY: That is not fair.

Maharajadhiraja Sir UDAY CHAND MAHTAB Bahadur of Burdwan: The Minister has emphasised that the Government will not yield to a demand for a general reduction of rent. He is but a new comer. Many a stalwart shall have to bend his knees before a popular demand. If the cultivators of Bengal in one voice put forward a demand for reduction of rent, any Ministry that may be in power shall have to carry out their wishes with alacrity.

The financial aspect of the question is considered to be so unimportant that a project of this magnitude which touches the finances of a province so much has not even been examined, I understand, by the Finance Department of the Government lest it is rejected on its financial unsoundness.

High hopes have been held out that the rent-receivers will be in a position to earn a good dividend by utilising their compensation money in industrial concerns. But may I enquire where are those industries in Bengal which can absorb this vast number of people who are going to be pensioned off? Have the Government made any real plan for industrial expansion? These cannot grow overnight.

The scheme for administrative machinery for the management of Bengal as a Khas Mahal has been announced. Government will have, no doubt, further chance of distributing their patronage to the members of a particular community and waste more public money than the income the State may

derive from the scheme. Promises have been made for improvement of agriculture, development of the country, raising the standard of living of the cultivators, etc. Such tall talks cannot be taken at their face value.

Admitting for argument's sake that there is a demand for the abolition of the system and that the matter is before the public for years, should it not be ascertained if the Bill in its present form is acceptable to the public? Probably so long the impression was that only the big zamindars will be annihilated but with the Bill before the country the middle classes and the whole rent-receiving chain will realise that the Bill proposes to do away with the entire class of rent-receivers. They are sure to raise a chorus of protest against it, particularly, when it will be clear to them that it is but a weapon to kill the Hindus of Bengal.

It is not for raising the standard of living of the cultivators, it is not for improving the condition of the middle class, it is not for securing any financial gain to the State and far less for any benefit to the Zamindars that the Bill has been sponsored by the League Ministry in a vindictive spirit at a time when the country is seething with communal discontent.

The Hon'ble Mr. H. S. SUHRAWARDY: Are there no Muslims in the middle class?

Maharajadhiraja Sir UDAY CHAND MAHTAB Bahadur of Burdwan: Far reaching constitutional changes are expected by June, 1948; Bengal may be partitioned in the meanwhile. Hindus have become intolerant of the oppressive communal rule in the province. In this atmosphere no legislation of so far reaching consequence should be rushed through. In this connection I support what was said by the gentleman in front, the leader of the Communist Party. The matter might have been deferred for members of the Opposition to have a chance to speak out their mind on this measure.

The Hon'ble Mr. H. S. SUHRAWARDY: It is very gratifying to find that the honourable member agrees with the leader of the Communist party.

Maharajadhiraja Sir UDAY CHAND MAHTAB Bahadur of Burdwan: Well, Sir, the Muslim League in Bengal and for the matter of that the present Ministry have lodged the complaint against the system—they are the prosecutors and they want to be the sole judges too in the matter. The country should know what the real position is. The Bill, therefore, should be circulated for eliciting public opinion.

Mr. H. ROWEN HODGE: Mr. Speaker, Sir. The Bill before the House introduces far-reaching and somewhat drastic form of reforms throughout the province, and in considering a measure of this kind, I suggest there are three broad questions to be examined. First of all, does the House accept the principle of state acquisition? That question should be answered. If the answer is in the negative, no further question arises. If the question is answered in the affirmative, then the House will examine the forms of the Bill to consider whether the form of acquisition is fair. The third question then arises, whether this is the propitious moment to introduce a measure of this kind. Sir, in my submission, first of all there are three broad questions to be considered. First of all as regards the principle of state acquisition. It is my understanding that that principle has been accepted by two major parties in this House, not only as regards this province, but the same principle has been accepted elsewhere in India. So far we on these benches are concerned, Sir, we have no desire to oppose that principle, provided the system of compensation is fair and adequate. So having answered our first question in the affirmative we now come to the second question, namely, the form of the Bill. I have no desire to make a complaint, but my own copy of the Bill I received yesterday, that is, after the motion for introduction and referring to Select Committee, was moved. I am expected in twenty-four hours to have examined the Bill and comment

on its form. I find that difficulty. I am, therefore, only able at this stage to comment on one or two items, that is to say, the question of compensation. Now the rate of compensation, as laid down in the Bill, is, to my mind, not fair and not adequate. A scale such as is proposed, which has reduced to eight times, cannot in my submission be regarded as by any means adequate. If, therefore, the Bill should go to the Select Committee we here must reserve our attitude, when we find what improvements have been made in the Select Committee. In my submission fifteen times should at least be paid to all classes. Furthermore, it should be made abundantly clear that the payment is to be made in cash and not by any other device. There may be provisions in the Bill which affect a large variety of interests, some of which we on these benches represent, such as tea gardens, colliery districts. All these questions should be examined carefully. In view of the fact that we have received such short notice, I do ask the Hon'ble Minister to meet us to the extent of giving us, say, at least one month to examine the Bill in detail before he commences the sitting of the Select Committee. Now, Sir, I come to the third and last major question of timing. Is this an appropriate time to introduce this far-reaching measure? Now, Sir, it seems that the Government of this Province already have their hands full and there is much to be done. Apart from the recent disturbances, Government have indicated in their budget a very large programme throughout the province, to make provisions for projects, such as, irrigation, roads and so forth. If this system of state acquisition is introduced that will virtually mean a very long programme and Secretarial work, all adding to the labour which the Government are already shouldering. I, therefore, doubt, Sir, on that score alone, if this is the time to introduce this very important measure. Again, Sir, Government by no means make it clear how they propose to raise the very large sum of money which will be required to give effect to the scheme They probably mean to borrow, but whether it can be borrowed or not, raises other difficulties and very large questions. Now, Sir, India today is fast approaching the biggest reform in the history of the world, that is to say, final and complete transfer of self-government. Sir, that decision of the British Government is one which we on these benches fully support and we are here to try and assist. Our key-note is co-operation and not obstruction. We must remember we are very close to that final transfer of power. The eyes of the world are upon the Indian legislatures. We must think in wider terms and not merely in isolation terms of one province only We must think in wider terms of India as a whole We must think of our international relations, in order to establish confidence and credit. We must not in any circumstance put ourselves in a position that other countries can say, these people are not fit for self-government. We, on these benches, believe that this country is ready and we realise better than any other man, what your difficulties are. I am sure, therefore, that Government will agree with me when I say, in these days Government will aim at a note of confidence, at moderate action which will inspire confidence in Government, and if the Opposition were here today, I would add this: it would be equally in their interests to see that a note of moderation and restraint, and where possible, support is given.

Now, Sir, in conclusion, I would say this that when this Bill comes to be examined in greater detail, if Government find that the answer to my question of compensation is that it would be uneconomical and impractical to pay any more than the proposed rates, I would submit that the Hon'ble Minister in charge of the Bill would add great strength to his reputation if Government were to say: "Very well, we pay fair prices", and they do not propose to introduce the Bill just now.

Mr. SPEAKER: May I interrupt you for a moment? The other day a point of order was raised by Mr. Stark to which reference has been made today—not exactly regarding the point of order but with regard to the shortness of notice—by Mr. Rowen Hodge that the Bill was made available

to him only 24 hours before. I should point out that in this case under the proviso to rule 51, sub-rule (*1*), copies of a Bill should be made available to the members seven days before and copies of the Bill were sent simultaneously to the Home addresses and Calcutta addresses of the members on the 12th April. So it can reasonably be inferred that the Bill reached them seven days before the matter was taken up in this House. 15 days' notice is required under rule 51(*2*) for a motion committing the Bill to a Select Committee. In that case in the ordinary course the motion ought to have been fixed for the 26th but it was fixed for the 21st. So five days' time was cut out. It was done by the Chair partly on the understanding that there was an agreement between the Opposition and the Government party to bring the motion on that particular day and partly on the assumption that there will be ample time for going through the Bill before the Select Committee is called. So far as the principles of the Bill are concerned which are discussed at this stage it appears even from Mr. Rowen Hodge's speech that the principal parties are agreed upon the principles.

Mr. H. ROWEN HODGE: It is a fact that my copy of the Bill only reached me yesterday. We are not pressing this point on the question of notice; if the Hon'ble Minister will give us an assurance that we shall be given reasonable time before commencing the sittings of the Select Committee.

Mr. JYOTI BASU: Mr. Speaker, Sir, we on these benches on behalf of our party welcome the general principles involved in the State Acquisition and Tenancy Bill, and we welcome it because this Bill has been long overdue and there has been a general agreement for a number of years now amongst a vast section of the Indian people that such a Bill should be brought forward; so that since at long last this Bill has come before this House we cannot but welcome it. I need not go into the details of the fact why we all have welcomed the general principles involved in this Bill, because we all know that this class of zemindars whom the Bill proposes to eliminate had been created by British Imperialism, by Lord Cornwallis, in order to stifle for ever the revolutionary upsurge of the Indian peoples in the countryside; and Lord Cornwallis and succeeding Governors were quite clear on this point that these gentlemen whom they had given lands—lands which belonged to the kisans of this country that they will support them against any revolt of the people. This Bill, if it is really passed, will mean a great socio-economic change in our village life and in the life of Bengal in general. It will mean, in short, the freeing of the kisans from manifold oppressions—economic, social and political. It will mean that once and for all the kisans will be free men and not serfs, and we know what that will mean in our country. That will mean that not very easily will these free men be hoodwinked by leaders on false slogans for instance. It will mean that these free masses will not be led astray on definitely reactionary slogans as hitherto we have seen. It will mean that they will not elect to the Assembly jotedars and zemindars to come here and oppose every honest and decent measure that we seek to pass.

Mr. Speaker, merely getting rid of the zemindar class will not certainly help, because these kisans will need State or Government aid for a long time to come, and it will mean that they will have to be helped in every possible way by the State. It will mean that the poorer sections who will be dispossessed from their lands will have to be provided for, and that means in our country or any other country that side by side industrialisation has to be taken up. But unfortunately here the question arises as to whether this Government can play their part or not, because doubts are certainly going to be raised by all parties whether the Government with its present record can undertake to industrialise our country, whether if the Britishers do leave India at all in 1948 they will nationalise the jute, tea and other industries belonging to the Britishers. I personally and my party would doubt it very much.

As far as the provisions of the Bill are concerned, I leave them to a later stage, to criticise these points when they come up later on. But I would like to say that we would like to see that this Bill is passed into an Act as soon as possible without the least possible delay—if necessary by working night and day—so that this Bill may be passed and put on the statute book. We would like to say that no compensation whatsoever should be paid to the rich landlords, because they have had enough of compensation. Lands which did not belong to them have gone into their hands because of the benevolent attitude of our rulers and the lands should now go back to the people to whom they belong—the actual tillers of the soil.

I would also like to see the jotedar elements eliminated, but on this Bill, they are still there, because I believe that many Muslim League members are jotedars or their agents—not many of them are zemindars but they are jotedars. Fear arises in our minds when we see that Government has been dishonest, if I may say so, with regard to the Bargadars Bill. The Government after publication of that Bill in the gazette killed hundred kisans, dishonoured their women, burnt down their houses but at last we have not brought this Bill before the House, and we know that it is because the jotedar element is powerful inside the Muslim League that they are against this small legislation.

Mr. Speaker, without further wasting time I would like to say that doubt would naturally arise in the minds of many people as to what the Government will do for a planned uplift of the masses after this Bill is passed, because the Muslim League party which composes this Government has been preaching that Hindus and Muslims cannot live together. (A VOICE FROM MINISTERIALIST BENCHES: Who told you that?) Mr. Jinnah told me that if the honourable member wants to know. If that is the Muslim League point of view (cries of "No, no" from ministerialist benches) that Hindus and Muslims cannot live together, then naturally the Hindu kisans will find it a little difficult to believe that they will be looked after by this Government even if this Bill is passed. That is why I bring this to the notice of members sitting opposite. There would be another fear in the minds of the people whether this Government which surrenders to vested interests would be really powerful enough to accomplish things which would be necessary against the vested interests in order to have an all-round development of this country.

Lastly I cannot but mention another point, which has brought the Muslim League into disrepute. The Muslim Leaguers have been shouting themselves hoarse that Muslim kisans who have been leaving Bengal to go and settle in Assam, are being thrown out but I do not find any effort on the part of these gentlemen who are in power to provide them with proper shelters in Bengal. I do not find them passing the Bargadar Bill, for instance, so that our kisans, Hindus and Muslims, may not have to leave Bengal. But we find that they threaten that hundreds and thousands of Muslims are going to invade Assam. How surprising? Why are they going to invade the territory of other people? Why should they leave their own homes and go to another land? I would like to know whether there is any political policy behind that. I mention this point in order to emphasise that merely getting rid of a few zemindars which was long overdue will not save us, the bona-fides of the Government has to be established. The purport of this Bill is much more than eliminating some intermediary elements. I would request all concerned to study land problems that have been solved in Eastern Europe; to study land problems that have been solved in Soviet Union, so that they may understand how to do things. There they do not go about preaching religious slogans to the kisans and lead them astray whilst undertaking great reforms. They do not preach things which are done here that Hindus and Muslims are two nations, and all the rest of it. Therefore, I say that if this propaganda is

that they cannot solve any-
persisted in by this Government, it will mean ll because I believe in spite
thing. But all the same I support this measure, of anges in the country-
of the Government it will bring revolutionary ch dreds and thousands of
sides of Bengal. I know that if there are today hun the millions of our freed
kisans facing their bullets, then tomorrow lakhs and er, freed from the
peasants will rise as one man—Hindus and Muslims togeth ng yard and march
shackles of imperialism and vested interests, and will go for ms, and see to
shoulder to shoulder—those Hindu and Muslim common masse nd lead
it that not only zemindars and vested interests, but gentlemen who nding that
them astray in the name of religion, also shall not be allowed to remain in
the page of history.

Mr. SPEAKER: Yes, Mr. Mridha!

Mr. AHMED ALI MRIDHA: Mr. Speaker, Sir, my friends on the opposite have chosen to walk out when the Bengal State Acquisition and Tenancy Bill is before us. Hypocricy must behave like that. They cannot swallow such bitter pills and for that they are finding out a plea. Sir, I am reminded of a Persian couplet which I quote:—

ظالمے را خفتہ دیدم نیمروز * گفتم ایں خفتہ است خوابش بروز

آنرا خوابش بہتر از بیداریت * مردنش بہ کہ مردم ازاریت

The English rendering of the couplet is: Saw a tyrant asleep full half a day and I said it is good; he whose keeping up was a danger, better he slept for good than awoke and oppressed the people.

Our friends on the opposite have been talking loud from press and platforms that the zemindary system should be abolished, that the zemindars are the dregs of the society, that they have outlived their utility, that they must not be allowed to live any more. These were their slogans. In their election manifesto they declared that the zemindary system must be abolished. When the Muslim League Government was busy in preparing data for the abolition of Permanent Settlement and in collecting material for the purpose of drafting a Bill, our friends on the opposite were impatient in telling us that the zemindary system shall be abolished forthwith and that they were impatient upon it. But today when the Bill has actually come, they have gone back on all their promises and have left the House; they have left the House on a plea, which is utterly false. They have been crying in the past that the police must be vigilant, they must put a stop to all these riots and killing here and there in Calcutta or elsewhere, and have insisted that shooting was a necessity; they impressed on Government that shooting must be effective; when shooting was done and there was no casualty, they clamoured that shooting was not useful, and today when there has been casualty as a result of such shooting, they made it a plea for walking out of the House.

Sir, I congratulate the Hon'ble Revenue Minister, and for that the Cabinet as a whole, for this courage to bring forth a Bill of such immense possibilities although fraught with risks of a dimension which knows no bounds. Bengal has been groaning under the pangs for over a century and a half. She is anxious to shake off the burden of lawless law which has bled Bengal peasantry white to benefit neither the soil nor the men behind the plough, but to perpetuate the mastery of a set of people not of our race and colour. British rule is going and for that the machinery of their set up must also go. We are no more in need of having a loyal set of persons in whom we looked for nobility, and for that of all the sins of omissions and commissions which the noble sons of noble fathers were prone to acquire. Living in luxury and living above wants, the habits of indolence and

inactivity have become customary with our masters of the second grade; the third, fourth and fifth grade of masters are the creations of the nefarious system of landlordism. The tillers of the soil have become sick of them.

Mr. SPEAKER: Mr. Mridha, your time is up. I have to close the debate by 6 o'clock.

Mr. AHMED ALI MRIDHA: Sir, I must request my friend in charge of the Bill to have ten minutes for me. May I have ten minutes, Sir?

Mr. SPEAKER: I do not think I can give you ten minutes.

Mr. AHMED ALI MRIDHA: Then what shall I do, Sir? Shall I sit down?

Mr. SPEAKER: You have devoted five minutes in making a speech which does not concern this Bill. You may speak for two minutes more.

Mr. AHMED ALI MRIDHA: May I have five minutes? I can speak then.

Mr. SPEAKER: No.

Mr. AHMED ALI MRIDHA: Then I sit down.

Mr. SPEAKER: All right.

Mr. SHARFUDDIN AHMAD: Mr. Speaker, Sir, I rise to oppose the motion moved by the Opposition for circulation of the Bengal State Acquisition Bill and to support the motion of the Hon'ble Minister for referring the Bill to the Select Committee. My reason for doing so is that this Bill is not a new thing. Some honourable members think that this is not the proper time for this kind of legislation. I respectfully differ from them on this point. This question of land tenure system of Bengal has been agitating the minds of the people for over a century, and the sufferings of the toiling masses—the cultivators of the land know no bounds. Till the other day they had no organisation, they had no platform to ventilate their grievances. Only some years ago some parties, namely Kisan Party or Proja Party, were formed for removing the distress of the suffering masses. Sir, the permanent land tenure system was established in 1793 at the time of Lord Cornwallis. At that time a definite and clear understanding was given that if these tenure-holders were made permanent tenure-holders, they would improve the land and help the raiyats or the tillers of the soil in improving their land. But they did nothing of the kind. Of course the idea of the East India Company in making this system permanent was different. They wanted to have permanency of their revenues which were fluctuating. They did it for their own purpose. It was also laid down in the proclamation at that time that the lot of the cultivators would be improved, that zemindars and tenure-holders would devote their money and time for improving cultivation and for helping the cultivators in the advancement of agriculture of the Province, but they did nothing of the kind. Instead they have simply sucked the blood of the people for one century. Therefore when the demand for the redress of their grievances came from the bottom that was appreciated by the people who were leading them, and the Land Revenue Commission was formed by the Legislature. A long report was submitted after elaborate enquiries and discussions and after evidences had been taken and carefully gone through. In that report it was recommended that the permanent settlement should be replaced by some other method, because the tenure-holders did not do what they were expected to do. The principle enunciated by the Land Revenue Commission was that the tiller of the soil or the cultivating raiyat should be brought in direct relationship with the State, that middlemen such as tenure-holders, zemindars and big jotedars should not be there. Only the man who tills the soil should be in direct relationship with the State. The idea was that

by introducing that system the State will have more facilities to help the cultivators in the improvement of cultivation and to introduce new form of cultivation by scientific implements. Only Government can do all these things and with these things in view the present Ministry and the party supporting the Ministry have thought it fit to bring this Bill at the present moment. It is not proper to say that this is not the time for such a legislation. It is long overdue and after due deliberations this measure has been brought before the Legislature. It is high time that the passage of this Bill should be expedited and therefore it should be referred to a Select Committee and the report of the Select Committee should be submitted positively by the 15th of July next, so that the Bill may be passed on the floor of this House as early as possible. Another reason for expediting the Bill is this that the procedure laid down in the Bill is elaborate and it will take a long time to be passed.

(At this stage Mr. Ahmed Ali Mridha rose to his feet.)

Mr. SPEAKER: Mr. Mridha, do you think you can finish your speech in two minutes?

Mr. AHMED ALI MRIDHA: No, Sir, it is not possible. I want to say something about this comprehensive Bill and I shall require ten minutes.

Mr. SPEAKER: No, I cannot give you so much time.

Mr. AHMED ALI MRIDHA: But, Sir, when the Congress members want time, you find it possible to accede to their request.

Mr. SPEAKER: You may take it, Mr. Mridha, even if the Opposition members were present, I would not have dragged the motions beyond today.

Mr. MUHAMMAD ISRAIL: Sir, may I have your permission to speak.

Mr. SPEAKER: Yes, but I cannot give you more than two minutes.

Mr. MUHAMMAD ISRAIL: Sir, there are some drawbacks in the Bill and they are of great dimensions. I want therefore to speak in detail and I will require more time.

Mr. SPEAKER: So far as details are concerned, this is not the stage to deal with them. We are now concerned with the principles of the Bill and there is very little to say about that.

Mr. MUHAMMAD ISRAIL: But, Sir, as Commissioner of Wakfs, I find that there are many drawbacks which vitally affect the wakf estates and it is for that purpose that I want to bring them to the notice of Government with a view to remedying the defects in the Select Committee.

Mr. SPEAKER: All right, but try to be as brief as possible.

Mr. MUHAMMAD ISRAIL: Sir, so far as the present Bill is concerned, I welcome its introduction and I oppose the motion for circulation of the Bill moved by the Opposition. This measure was promised in the election manifestos of 1937 and 1945 both of the Congress and the League. It has been recommended by the Land Revenue Commission, and the Administration Enquiry Committee known as Rowlands Committee and also it has been recommended by the Special Officer, Mr. Gurner, appointed by the Government of Bengal. It has again been recommended by the Famine Enquiry Commission. So far as the motion for circulation is concerned, there is no justification for doing that, because for a pretty long time this measure has been before the country. Mr. Dhirendra Nath Datta who was moving an adjournment motion for shooting one man issued a statement on the press for mass shooting of the people of Noakhali by the police.

Mr. SPEAKER: Mr. Israil, please confine yourself to the present Bill.

Mr. MUHAMMAD ISRAIL: All right, Sir. So far as the present Bill is concerned I, as Commissioner of Wakfs, will urge on two points. Section 20(3) provides that only those properties which are exclusively delegated for public, religious, charitable and other purposes shall have protection under this Bill. There is another provision under section 39 to this effect that so far as those interests are concerned, compensation will be paid to the Commissioner of Wakfs. There are 12,000 Wakfs estates in Bengal with a gross income of Rs.77 lakhs. I want a considered answer from the Government on this point and I will ask the members of the Select Committee to consider about those estates which are not exclusively delegated for charitable, religious and other purposes. Those estates are partly for religious purposes and partly for the maintenance of family members. So far as these Wakf estates are concerned, no provision has been made in the present Bill either in section 20(3) or in section 39(5). I do not know whether Government is aware of the fact that after the passing of the Wakfs Act validating there have been many Wakf estates created—some with small reservation for charitable purposes and the rest for family maintenance. There are many other wakfs of which at least 25 per cent. is reserved for charitable purposes and 75 per cent. for the beneficiaries. This sort of the wakfs have been completely lost sight of and no provision for them has been made in the Bill. My submission to the Hon'ble Minister and also to the members of the Select Committee is that they must see that for these wakf estates which are partly for charitable and religious purposes and partly for beneficiaries due provision should be made for their compensation, so that these estates may continue according to the wishes of the wakifs. It has been laid down in the Wakfs Validating Act which has been piloted by no less a person than Mr. Jinnah himself that these estates should be declared as wakfs. Under this legislation also I submit that provision should be made, so that these estates may exist and compensation or subsidy, whatever that may be, that will be deemed feasible by the Select Committee and the Minister in charge will be paid. I once again specially appeal to the Hon'ble Minister and the members of the Select Committee to make due provision for these wakfs.

(At this stage when Mr. Speaker was going to put the circulation motion of Mr A. K. Ghose to vote, Mr. Stark rose on a point of order.)

Mr. A. F. STARK: On a point of order, Sir. Is the Hon'ble Minister not going to give any reply? Sir, it is a very important Bill and it is unfortunate that there is no reply from the Hon'ble Minister.

Mr. SPEAKER: The Hon'ble Minister may reply.

The Hon'ble Mr. FAZLUR RAHMAN: Sir, I am really glad that the principle of the Bill has been accepted by almost all sections of the House. I am specially glad that the European Group which usually indentify themselves with vested interests have found it fit to accept the principle of this Bill. That shows that they are conscious of the coming constitutional changes and that they are in a position to accommodate, and to continue good relationship with Indians. This augurs well for the Britisher.

Sir, I am really sorry for the Maharajadhiraja Bahadur of Burdwan. He was not as serious as his position demanded in putting forward his views. I need not enter into certain remarks which I do not consider were responsible remarks from a responsible person like him. I will here only refer to those points which deserve an answer from me and which really deserve consideration by Government. He has said that I was not justified in referring to the inactivity and sluggishness of the zemindars and his contention is that zemindars did invest and did labour for clearing jungles, they have made settlements with the tenants and they are responsible for the well being of the people of this Province. To that, Sir, my reply is that under the Permanent Settlement zemindars were expected to take a preponderating share in improving cultivation but authoritative records and opinion which I have

not the time to refer to, do not justify this claim. Documents with which my friend, the Maharajadhiraja is fully acquainted, show that although here and there some expenditure was incurred on improvement works it was not out of an enormous income derived by them from rents. The raiyats did everything for extension and improvement of cultivation and not the zemindars. (Cries of "hear", "hear" from the Government Benches.) Then, Sir, he has made a remark that it was a Commission whose recommendations were not based on evidence. No other statement could be more irresponsible and more far from truth than this statement of his. Now, with regard to legal opinion, he has quoted only a portion of it. I think the House is entitled to the entire opinion that has been given by two Advocates-General which he has referred to. Sir A. K. Roy, the former Advocate-General, said that "compensation means such compensation as the Legislature in its discretion may consider fit and not full compensation". Now what did the present Advocate-General say? He said "I agree with the opinion of Sir A. K. Roy given on 16th July 1940, namely, compensation means such compensation as the Legislature in its discretion may consider fit and not full compensation. The word compensation ordinarily means paying an amount to persons whose property has been taken away on the same basis as it would have been if not taken, so long as the amount of compensation on the principle of fixing the amount is based on the well-known principles of valuation and is fair and reasonable. In the circumstances of the case it will be within the powers of the Legislature and not likely to be declared invalid by any court but if the amount of compensation fixed by any rule which is of an illusory kind or is based on arbitrary principles then it will not be compensation as contemplated by section 299 and the challenge to the legality of the Legislature on the constitutional issue is likely to be successful".

I do not find any reasonable gentleman who can say that the compensation that I have proposed in the Bill is of an illusory character. Some persons may say that it is not adequate. No responsible gentleman will be able to put forward the plea that compensation proposed by me is of an illusory character. Sir, the question of compensation will be adequately discussed in the Select Committee and that will be the proper place where this question can be taken up. Then he said that if there is a demand for reduction of rent by the whole cultivating population of the country there will be no Ministry which will be able to resist it. I say there will be no Ministry to refuse a reasonable demand. I know the cultivators are not so unreasonable and they will not put forward a demand which will not be justified by the economic condition of the country. If they do I say they will do it because they will have reasonable grounds for doing so. If there is a demand from my cultivating friends for whom the Maharajadhiraja may not have any regard but on whose income he is living (Maharajadhiraja Sir UDAY CHAND MAHTAB Bahadur of Burdwan: Question). I feel sure—I know my cultivating friends for whom I have the greatest regard (Maharajadhiraja Sir UDAY CHAND MAHTAB Bahadur of Burdwan: You have the greatest regard for yourself)—that demand will not be unjustifiable.

He has then said that the Finance Department has rejected so on and so forth. He is not aware of the fact that the Finance Department has not rejected anything. Then with regard to his charges of distribution of patronage, they do not deserve any answer from me. With regard to vested interests he very cleverly puts a wrong view about my party, but he does not know that the members of my party even at the sacrifice of their interests have agreed to accept the detailed provisions of the Bill. They are determined to put the Bill through this House and have it put on the Statute Book by the end of this year.

I am glad that the European Party have already accepted the principle of State acquisition. Many of the points raised by my friend, Mr. Rowan Hodge, can be dealt with in the Select Committee. So far as the question

of compensation is concerned I have already dealt with it. With regard to the point that his party would require sufficient time before the Select Committee meets so that they may be able to study all the provisions of the Bill, I can assure them that any reasonable time that will be required by the honourable members to make an appreciation of the provisions of the Bill will be given before the Select Committee sits. Now, he has raised another question. He said that it was not the proper moment for bringing this Bill on 3 grounds: Firstly, it will mean a burden on the Government because Government is now carrying out large schemes of development projects, secondly because large sums of money will have to be raised by loans for compensation and thirdly because complete self-government is now in the offing. So far as the last point is concerned, I would say that it is rather the proper time on the eve of the independence of the Province. I am visualising a day when in 1948 the Province is going to be an independent State and it is just the time when we should do away with the last vestige of British imperialism so that the future of the independent State of Bengal may not be encumbered with a system of zemindary which will be able to fetter her at every step of her large scale improvement and revolutionising the social system of the province. With regard to the question that it will mean a burden to Government I can say that Government have considered all these questions and the abolition of zemindary is really bound up with the question of large scale development projects. No development can really be carried on effectively unless the zemindary system is abolished. With regard to large sums of money that will be required I think Government will be in a position to raise all the money which will be necessary for compensation or for giving effect to this Bill as this will prove to be a productive scheme.

Now, Sir, Mr. Jyoti Basu has really spoken with rather two faces. He has one face towards the masses and another face towards the community to which he belongs. I do not think that he was serious and I am glad that he also has accepted the principles of the Bill. He doubted the seriousness of the Government to push the Bill through early. If he continues to be a member of the House he will see that the Bill will be put on the Statute Book at the end of this year.

As regards the points raised by my friends on this side of the House they will be thrashed out in the Select Committee in due course and they do not require any answer.

With these words I commend my motion to the acceptance of the House and oppose the motion for circulation.

Mr. SPEAKER: I take it that the amendments to the main motion Nos. 2 to 52 standing in the names of different members as circulated in the agenda paper are not moved.

The motion of Mr. A. K. Ghose by way of amendment that the Bengal State Acquisition and Tenancy Bill, 1947, be circulated for the purpose of eliciting opinion thereon by the 31st December, 1948, was then put and lost.

The motion of the Hon'ble Mr. Fazlur Rahman that the Bengal State Acquisition and Tenancy Bill, 1947, be referred to a Select Committee, consisting of—

(1) Mr. Hamiduddin Ahmed,

(2) Mr. Abdus Salam,

(3) Mr. Jasimuddin Ahmed,

(4) Mr. Md. Abdullahel Baqui,

(5) Mr. Abul Hashem,

(6) Mr. Kazi Abul Masud,

(7) Mr. Abdur Raschid Mahmood,

(8) Mr. C. P. G. Wade,
(9) Mr. Fazlul Quadir,
(10) Mr. Mohini Mohan Burman,
(11) Mr. Iswar Chandra Mal,
(12) Mr. Suresh Chandra Das Gupta,
(13) Mr. Shitangshu Kanta Acharjee,
(14) Mr. Bimal Chandra Sinha,
(15) Mr. Bankubehari Mandal,
(16) Dr. Protap Chandra Guha Roy, and
(17) The Hon'ble Minister in charge of the Department of Land and Land Revenue (the mover),

with instructions to submit their report by the 15th July, 1947,—the number of members whose presence shall be necessary to constitute a quorum shall be five,—was then put and agreed to.

Adjournment.

The House was then adjourned at 6-20 p.m. till 4-45 p.m. on Friday, the 25th April, 1947, at the Assembly House, Calcutta.

Proceedings of the Bengal Legislative Assembly assembled under the provisions of the Government of India Act, 1935.

THE ASSEMBLY met in the Assembly House, Calcutta, on Friday, the 25th April, 1947, at 4-50 p.m.

Present:

Mr. Speaker (the Hon'ble Mr. NURUL AMIN) in the Chair, 4 Hon'ble Ministers and 175 members.

STARRED QUESTIONS

(to which oral answers were given)

Tea garden labour unrest in Jalpaiguri district.

*224. (SHORT NOTICE.) **Mr. KHAGENDRA NATH DAS GUPTA:** (a) Will the Hon'ble Minister in charge of the Labour Department be pleased to state whether it is a fact—

(i) that recently there have been labour risings in the tea gardens in Malbazar section in the Jalpaiguri district and that amongst others Needam, Haihaipathar, Toon Bari, Malnadi Gurjangjhora, Dalimkote, Songachi Nagti Saili, etc., tea gardens are affected;

(ii) that about 250 garden Babus with their families have to take refuge at Malbazar for fear of their lives leaving their property and everything at the mercy of the labourers;

(iii) that section 144 had to be promulgated in some areas of the Malbazar thana; and

(iv) that the Superintendent of Police on the 22nd or 23rd February last was attacked by a tea garden labour mob in Dumchipara Tea Estate in Dooars and the police had to open fire?

(b) If the answer to (a) is in the affirmative, will the Hon'ble Minister be pleased to lay on the Table a full statement on the recent labour unrest in the Dooars?

Mr. K. NASARULLA (on behalf of the Hon'ble Mr. Shamsuddin Ahmed): (a)(i) There was no labour rising but there was some unrest in those tea gardens, which ended with the promulgation of orders under section 144, Cr. P. C., in the area on 23rd February, 1947.

(ii) No such report has yet been received. It has been reported that the clerks of some of the gardens in this area did leave their gardens in the beginning out of panic which has now subsided.

(iii) An order under section 144, Cr. P. C., has been promulgated in the area.

(iv) No.

(b) A statement is laid on the Table.

Statement referred to in reply to clause (b) of starred question No. 224.

There was labour disturbance in some tea gardens in the Malbazar section of the Jalpaiguri district between 27th January, 1947, and 23rd February, 1947, due to the influence of some members of the C.P.I. The agitation was generally for higher wages, increase of rations, specially rice, better and sufficient wearing apparel, special allowances for women labourers, better leave facilities and for the removal of certain factory clerks and ration

Babus who were alleged to have cheated the garden coolies in respect of their pay and rations. In some of the gardens the coolies assaulted the Babus and in one case they assaulted the Manager also. A case under sections 147/148, I.P.C., has been started against some persons for assaulting the staff of the Haihaipathar Tea Estate. In most of these cases the garden authorities did not lodge any complaint with the police but tried to pacify the coolies themselves by meeting their demands. On one occasion on 15th February, 1947, about 600 coolies armed with bows, arrows, etc., surrounded the house of a Head Clerk on a particular garden. On receipt of information police arrived at the spot and brought the situation under control. On 18th February, 1947, a number of coolies searching for arrested persons stopped two police lorries while they were proceeding to Mal police-station but desisted from further highhandedness as no arrested persons could be found in the lorries. Members of the C.P.I. arranged some meetings in different gardens and at Mal to exhort the coolies to organise and press for their demands.

This state of things ended on 23rd February, 1947, with the posting of sufficient police in the area and with the promulgation of an order under section 144, Cr. P. C., in the area prohibiting the holding of public meetings or processions without previous permission of the appropriate authorities and banning the carrying of lethal or dangerous weapons in public.

It is reported that the clerks in some of the gardens in this area did leave their gardens in the beginning out of panic but panic has died down with the promulgation of the order under section 144, Cr. P. C., and the arrest of some of the ringleaders. The leading Communist worker of the area wrote letters to the Managers of some of the gardens expressing regret for the assaults that had taken place on some clerks and requesting recall of the clerks who had left the gardens giving an assurance that no such incidents would occur in the future. At present the situation is quiet and under control and there appears to be no risk to the life and property of any garden employee.

Mr. BADIUZZAMAN MUHAMMAD ILIAS: Will the Hon'ble Minister be pleased to state the reason for such unrest in those areas?

Mr. K. NASARULLA: If you read the statement you will find the reason. The coolies were incited by the Communist party.

Mr. JYOTI BASU: Will the Hon'ble Minister be pleased to state whether it is a fact that most of the tea garden owners mentioned here did not meet the demands of the tea garden labourers as was published by the tripartite conference held in Delhi?

Mr. K. NASARULLA: I want notice of this question.

Mr. NIHARENDU DUTT-MAZUMDAR: Will the Hon'ble Minister be pleased to state whether there has been a substantial increase, recently given, in the wages of the tea garden labourers?

Mr. K. NASARULLA: Yes, Sir.

Mr. NIHARENDU DUTT-MAZUMDAR: Will the Hon'ble Minister be pleased to state when was any increase granted to the wages of the labourers and what was the rate of that increase?

Mr. K. NASARULLA: I want notice.

Mr. NIHARENDU DUTT-MAZUMDAR: Will the Hon'ble Minister be pleased to state, with reference to the statement of the Hon'ble the Labour Minister that while the cost of living index has gone up to 289, income of the workers has risen only up to 86 and so there is a lag of 203 between the increased cost of living and the increased income, whether that lag has been made up in the case of the tea garden labourers?

Mr. K. NASARULLA : I want notice.

Mr. NIHARENDU DUTT-MAZUMDAR: Will the Hon'ble Minister be pleased to state whether it is a fact that no increase in wages of the tea garden labourers has taken place in recent months?

Mr. K. NASARULLA: I want notice.

Mr. NIHARENDU DUTT-MAZUMDAR: Will the Hon'ble Minister be pleased to state on what basis or information he replied just a little while ago that the wages of the tea garden labourers have been increased?

Mr. K. NASARULLA: I replied on the basis of the information that I have received from the tea garden authorities.

Mr. MUHAMMAD HABIBULLAH CHAUDHURY: Will the Hon'ble Minister be pleased to state how many tea garden unions have been formed?

Mr. K. NASARULLA: The details I have not got with me and I want notice.

Mr. NISHITHA NATH KUNDU: With reference to answer (*iv*)—"No", you will find, Sir, that there are two questions, and will the Hon'ble Minister be pleased to enlighten us as to which of these two questions his answer "no" applies? Is it in reply to the question whether there was any firing or to the question whether the Superintendent of Police had been attacked by the mob.

Mr. K. NASARULLA: The question is that on the 22nd or 23rd February the Superintendent of Police was attacked by a tea garden labour mob in the Duars and that the police had to open fire, and to this the reply "no" refers.

Mr. NISHITHA NATH KUNDU: Will the Hon'ble Minister be pleased to state whether the mob attacked the police?

Mr. K. NASARULLA: Sir, I want notice.

Mr. KHAGENDRA NATH DAS GUPTA: I want to know whether the Superintendent of Police was attacked by the tea garden labourers and whether there was firing on the labourers?

Mr. SPEAKER: The reply is "No".

Mr. NISHITHA NATH KUNDU: Sir, I want to know whether this answer is in reply to both the questions, namely, that the mob attacked the Superintendent of Police and the Police had to open fire.

Mr. K. NASARULLA: I think it is a simple answer. The question is whether the police was attacked and whether there was police firing, and to that I have replied, "No".

Mr. DEBENDRA NATH SEN: Is the Hon'ble Minister in a position to inform the House as to what is the minimum average daily wage of a tea garden labourer?

Mr. K. NASARULLA: No, Sir.

Mr. NIKUNJA BEHARI MAITI : Will the Hon'ble Minister be pleased to state if section 144 has been withdrawn from that area?

Mr. K. NASARULLA: I want notice.

Mr. NIHARENDU DUTT-MAZUMDAR: Will the Hon'ble Minister be pleased to state, with reference to the written statement to the effect that the labourers demanded higher wages, increase of rations, specially rice, better and sufficient wearing apparel, which of these items have been considered and conceded to by the employers?

Mr. K. NASARULLA: For details I want notice.

Mr. MUHAMMAD HABIBULLAH CHAUDHURY: Will the Hon'ble Minister be pleased to state the source of his information when he says that the labour unrest was only due to Communist instigation?

Mr. K. NASARULLA: On the report of the Deputy Commissioner of Jalpaiguri.

Mr. JYOTI BASU: With regard to answer (*ii*), is the Hon'ble Minister aware of the fact that the tea garden owners had compelled some of the clerks to leave the tea garden areas by inciting the workers against them?

Mr. K. NASARULLA: That is not the report that I have received from the Deputy Commissioner of Darjeeling.

Mr. JYOTI BASU: Sir, my question has not been answered. If the Hon'ble Minister looks to the answer he will find that the Babus left the tea gardens, and my question is whether he is aware that the tea garden owners have been inciting the workers against the Babus and that is why they had to leave the garden.

Mr. K. NASARULLA: I have no such information.

Mr. JYOTI BASU: Will the Hon'ble Minister be pleased to inform me as to whether he is aware that the members of the Communist Party of India whom he mentions in the statement have been fighting for a just cause?

Mr. K. NASARULLA : That is, I submit, a matter of opinion.

Mr. A. F. STARK: Will the Hon'ble Minister be pleased to state if it is a fact that the members of the Communist Party of India have been inciting the tea garden coolies to violence?

Mr. K. NASARULLA: I have said in my reply that they have done so.

Mr. MUHAMMAD HABIBULLAH CHAUDHURY: Will the Hon'ble Minister be pleased to state how many of these gardens belong to Europeans and how many to Indians?

Mr. K. NASARULLA: I want notice.

Mr. NIHARENDU DUTT-MAZUMDAR: Will the Hon'ble Minister be pleased to state, with reference to his previous answer, whether any specified persons purporting to be members of the Communist Party of India were prosecuted by the Government for alleged incitement to violence?

Mr. K. NASARULLA: I want notice.

Mr. NIHARENDU DUTT-MAZUMDAR: You are prevaricating and misleading the House.

Mr. K. NASARULLA: No, I am not.

Mr. SIBNATH BANERJEE: Will the Hon'ble Minister be pleased to state how many persons have been arrested in this connection—the so-called uprising or unrest, whateveh you may call it?

Mr. K. NASARULLA: I want notice.

Mr. JYOTI BASU: Will the Hon'ble Minister be pleased to state, in view of the statement which he has laid before the House which is purported to be a statement of the District Magistrate, and where no violence has been mentioned, whether it is a fact that this statement has actually been made by the District Magistrate where no mention has been made about

inciting the workers to violence? Mr. Speaker, I do not think the Hon'ble Minister has read the answer laid on the table. Where is the question of violence, Sir, mentioned by the District Magistrate in the report?

Mr. K. NASARULLA: It is in the report of the District Magistrate which is with me.

Mr. NIHARENDU DUTT-MAZUMDAR: With reference to the report which the Hon'ble Minister has just stated he has with him, will he be pleased to read it out for the information of the members of this House?

Mr. K. NASARULLA: Sir, it runs to four pages which will take a long time to read.

Mr. NIHARENDU DUTT-MAZUMDAR: We want to hear it and it is only fair that he should read it out and the number of pages should not be pleaded against his reading it out.

Mr. K. NASARULLA: Sir, it is a confiedential report which cannot be placed before the House.

Mr. JYOTI BASU: Sir, a very serious allegation has been made against my party, and I should like to know what exactly that allegation is and who has made it.

Mr. SPEAKER: The reply was that it is confidential.

Mr. NIHARENDU DUTT-MAZUMDAR: I am afraid, Sir, that would have been a safe answer but he has not said that. He took the plea that it was a long report of four pages which will take time to read out.

Mr. SPEAKER: Mr. Dutt-Mazumdar, you have not heard his last answer. His first answer was that it was a report of four pages and that it would take time to read it, and then he modified his reply and said that it was a confidential report which he could not disclose.

Mr. NIHARENDU DUTT-MAZUMDAR: Wisdom dawned on him at last!

Mr. NISHITHA NATH KUNDU: Will the Hon'ble Minister be pleased to state whether the confidential nature of the report is such that even relevant portions of it cannot be placed before the House?

Mr. SPEAKER: It is for Government to decide whether certain papers should be laid before the House or not, and it has been said that this cannot be laid on account of its confidential nature.

Mr. NIHARENDU DUTT-MAZUMDAR: Will the Hon'ble Minister be pleased to state if the matter given here in the statement to the answer was culled out of the confidential report which the Hon'ble Minister has referred to?

Mr. K. NASARULLA: Sir, there are matters of a confidential nature in the report and I have only read a portion of it.

Mr. NIHARENDU DUTT-MAZUMDAR: Do we understand that the whole of it is not confidential but parts are confidential?

Mr. K. NASARULLA: What Government thought they could divulge they have done.

Mr. NIHARENDU DUTT-MAZUMDAR: Will the Hon'ble Minister be pleased to answer my question whether parts of the report are considered to be not confidential and therefore eligible to be given out to the public and the other parts are confidential?

Mr. K. NASARULLA: I have already answered that question, and I have nothing further to add.

Mr. NIHARENDU DUTT-MAZUMDAR: May I suggest, Sir, that in that view the Hon'ble Minister may be pleased to place the report in your possession so that those parts which are not confidential may be given to the members of the House.

Mr. JYOTI BASU: Will the Hon'ble Minister be pleased to look at page 2 towards the end of the first paragraph where he says that members of the Communist Party of India arranged some meetings in different gardens and at Mal to exhort the coolies to organise and press for their demands, and tell me whether that smells of violence?

Mr. K. NASARULLA: I would say that members of the Communist Party of India incited the tea garden workers to commit violence.

Mr. NIKUNJA BEHARI MAITI: Will the Hon'ble Minister be pleased to state some facts of violence committed by the coolies or members of the Communist Party of India?

Mr. K. NASARULLA: I want notice.

Mr. NIHARENDU DUTT-MAZUMDAR: Will the Hon'ble Minister be pleased to state whether members of the Communist Party of India also incited the employers not to grant increase of rations, rice and other things?

Mr. K. NASARULLA: That may be your opinion, not mine.

Suspension of Mr. Tandon, District Controller, Mymensingh.

***225. Mr. ASANALI MUKTEAR:** (*a*) Will the Hon'ble Minister in charge of the Civil Supplies Department be pleased to state whether it is a fact that Mr. Tandon, the District Controller, Mymensingh, is under order of suspension?

(*b*) If the answer to (*a*) is in the affirmative, will the Hon'ble Minister be pleased to state the reason therefor?

Mr. ESKANDAR ALI KHAN (on behalf of the Hon'ble Mr. Abdul Gofran): (*a*) Yes.

(*b*) For submission of false reports about his tours and drawing travelling allowance on the basis of such reports.

Mr. AMULYA CHANDRA ADHIKARI: With reference to answer (*b*) will the Hon'ble Minister be pleased to state if it is the only fault for which Mr. Tandon is under order of suspension?

Mr. ESKANDAR ALI KHAN: Yes, Sir.

Mr. NIKUNJA BEHARI MAITI: Will the Hon'ble Minister be pleased to state the amount of money that has been defalcated in this case?

Mr. ESKANDAR ALI KHAN: Rupees 79-9.

Mr. BENODE CHANDRA CHAKRABORTY: Will the Hon'ble Minister be pleased to state if the matter is still under enquiry or the enquiry has been finished?

Mr. ESKANDAR ALI KHAN: Proceedings have already been drawn up and the matter is being enquired into by the District Magistrate.

Mr. NIKUNJA BEHARI MAITI: Will the Hon'ble Minister be pleased to state the amount of monthly salary that was drawn by this officer?

Mr. ESKANDAR ALI KHAN: I am afraid, I cannot say offhand.

Mr. MUHAMMAD HABIBULLAH CHAUDHURY: Will the Hon'ble Minister be pleased to state whether Mr. Tandon is a member of the Indian Civil Service?

Mr. ESKANDAR ALI KHAN: No.

Mr. MIRZA ABDUL HAFIZ: Will the Hon'ble Minister be pleased to state whether in this case it was the only occasion that defalcation was detected?

Mr. ESKANDAR ALI KHAN: On the specific charge of drawing excess travelling allowance and daily allowance under false diary he was suspended.

Mr. NIHARENDU DUTT-MAZUMDAR: Will the Hon'ble Minister be pleased to state whether it is a fact that one of the nephews of the Civil Supplies Minister serving in the Civil Supplies Department was either suspended or transferred by this District Controller?

Mr. ESKANDAR ALI KHAN: I have no such information?

Mr. NIHARENDU DUTT-MAZUMDAR: Will the Hon'ble Minister be pleased to state on which date was Mr. Tandon posted at Mymensingh and on which date the alleged excess travelling allowance bill was purported to have been submitted?

Mr. ESKANDAR ALI KHAN: I cannot say offhand.

Mr. NIHARENDU DUTT-MAZUMDAR: Will the Hon'ble Minister be pleased to state precisely who conducted the enquiry into these allegations before the act of suspension of the District Controller took place?

Mr. ESKANDAR ALI KHAN: The enquiry is being conducted now and proceedings drawn up by no less a person than the District Magistrate.

Mr. NIHARENDU DUTT-MAZUMDADR: What is the name of the District Magistrate?

Mr. ESKANDAR ALI KHAN: I cannot say offhand.

Mr. NIHARENDU DUTT-MAZUMDAR: Will the Hon'ble Minister be pleased to state if the act of suspension took place even before the enquiries were completed and the facts ascertained?

Mr. ESKANDAR ALI KHAN: I ask for notice.

Mr. NIHARENDU DUTT-MAZUMDAR: Will the Hon'ble Minister be pleased to state whether it is not a fact that in these circumstances Mr. Tandon was the victim of the communal invidious distinction of the Minister concerned?

Mr. ESKANDAR ALI KHAN: I have nothing further to add.

Maulvi AKBAR ALI: Will the Hon'ble Minister be pleased to state whether any criminal case has been instituted against him?

Mr. ESKANDAR ALI KHAN: It cannot be instituted at this stage. Of course it is under the consideration of Government, and as soon as the report of the District Magistrate is received it will be considered.

Maulvi AKBAR ALI: Has he been prosecuted?

Mr. ESKANDAR ALI KHAN: The report of the District Magistrate has not yet been received.

Maintenance of communal ratio in selecting dealers of rationed articles in Rajshahi district.

*226. **Mr. MADAR BUX:** (*a*) Will the Hon'ble Minister in charge of the Civil Supplies Department be pleased to state—

(*i*) how many applications for business in paddy and rice were received on the last occasion;

(*ii*) how many of these applicants have been granted licences by the District Controller of Rajshahi;

(*iii*) how many of these applicants were new;

(*iv*) how many of the licencees are—

(1) Hindus, and

(2) Muslims;

(*v*) the number of wholesale dealers in foodstuffs and cloth that are in the Rajshahi district; and

(*vi*) how many of them are Muslims?

(*b*) Will the Hon'ble Minister be pleased to state whether there is any Government direction for maintaining communal ratio in these matters?

Mr. ESKANDAR ALI KHAN (on behalf of the Hon'ble Mr. Abdul Gofran): (*a*)(*i*) Five thousand three hundred and seventy-four applications were received in the district of Rajshahi.

(*ii*) Seven hundred and twenty-eight applicants were recommended by the Assistant Regional Controller of Procurement and licences were issued to them by the District Controller.

(*iii*) Nine.

(*iv*)(1) Hindus—328 and (2) Muslims—390.

The other ten are organisations like Banks and Government Department.

(*v*) Foodstuffs—48 and cloth—18.

(*vi*) Foodstuffs—12 and cloth—4.

(*b*) The previous directions were as follows:—

"In the matter of selecting dealers either for wholesale or retail work communal representation must be duly considered and should be maintained as near 50/50 between Muslims and non-Muslims, as far as practicable. The governing considerations are adequacy of capital, financial solvency period during which business has been done, absence of conviction for any offence and efficiency. The principle of observing communal ratio in the selections of dealers is subject to the considerations mentioned above."

The practical effect of this was to limit licences to persons who had traded during the basic years 1940, 1941 and 1942. This limitation to traders who functioned during the basic years has since been removed by revised orders of the Department which have had the effect of permitting new entrants into the trade and therefore enabling communal parity to be more readily reached.

Mr. BADIUZZAMAN MUHAMMAD ILIAS: Will the Hon'ble Minister be pleased to state whether new licences are still being issued?

Mr. ESKANDAR ALI KHAN: Yes; since the withdrawal of the ban of 1942 new entrants are having new licences.

Mr. BADIUZZAMAN MUHAMMAD ILIAS: With reference to the first part of answer (*b*) is the Hon'ble Minister aware that this rule is never given effect to and that the District Controller is being influenced by money and this money is coming from the Marwaris?

Mr. ESKANDAR ALI KHAN: I have no such information.

Mr. BIMAL COMAR GHOSE: Will the Hon'ble Minister be pleased to state what the new directions are for such appointments?

Mr. ESKANDAR ALI KHAN: Since the withdrawal of the ban of 1942 financial solvency and business integrity are the only criteria for filling up such appointments. Now new entrants irrespective of any caste or creed may come into the field of business.

Mr. BIMAL COMAR GHOSE: Will the Hon'ble Minister be pleased to state if conditions, namely, absence of conviction for any offence and efficiency have been removed?

Mr. ESKANDAR ALI KHAN: No, no. That question does not arise.

BIMAL COMAR GHOSE: Because the criteria that are stated do not include these things.

Mr. ESKANDAR ALI KHAN: No.

Mr. MIRZA ABDUL HAFIZ: Will the Hon'ble Minister be pleased to state whether this principle has been instructed to be adopted throughout the whole Province?

Mr. ESKANDAR ALI KHAN: Yes; as far as possible.

Mr. MIRZA ABDUL HAFIZ: Will the Hon'ble Minister be pleased to state whether that principle has been given effect to in different Divisions including the Rajshahi Division?

Mr. ESKANDAR ALI KHAN: Yes.

Mr. MUHAMMAD HABIBULLAH CHAUDHURY: Will the Hon'ble Minister be pleased to state, arising out of answer (*b*), when the limitation has been removed?

Mr. ESKANDAR ALI KHAN: In October, 1946.

Mr. MADAR BUX: Will the Hon'ble Minister be pleased to state what is the amount of fees that is realised at the time of admitting applications for licences?

Mr. ESKANDAR ALI KHAN: I want notice.

Mr. BIMAL COMAR GHOSE: Will the Hon'ble Minister be pleased to state if the answer (*iv*) (*1*) refers to the present time or after October, 1946? What period of time does the answer refer to?

Mr. ESKANDAR ALI KHAN: Since the promulgation of the new Bengal Foodgrains Control Order in December, 1945.

Mr. BIMAL COMAR GHOSE: Will the Hon'ble Minister be pleased to state on what date the number was as stated in answer (*iv*)(*1*)?

Mr. ESKANDAR ALI KHAN: I cannot give you the specific date.

Mr. BIMAL COMAR GHOSE: Will the Hon'ble Minister be pleased to state what was the number of Hindus and Muslims prior to the promulgation of the new direction?

Mr. ESKANDAR ALI KHAN: I am sorry I cannot say offhand.

Mr. NIKUNJA BEHARI MAITI: Will the Hon'ble Minister be pleased to state if communal parity has been reached and grievances have been removed?

Mr. ESKANDAR ALI KHAN: To a great extent the situation has improved, but I cannot state definitely to which extent.

Mr. BIMAL COMAR CHOSE: Will the Hon'ble Minister be pleased to state if answer (*iv*)(*1*) reveals more than 50 : 50 ratio and that is satisfactory? Or what is considered to be satisfactory?

Mr. ESKANDAR ALI KHAN: No; as a result of the ban of 1942 new entrants were not allowed to come to the field of business. Only those who had business during the basic years of 1940, 1941 and 1942 were allowed to come into the field of business. Since the withdrawal of the ban the field of business is open for new entrants irrespective of caste or creed.

Mr. BIMAL COMAR CHOSE: With due deference to the Hon'ble Minister I submit that my question was not at all answered. I asked whether answer (*iv*)(*1*) reveals that the Communal Ratio Rule is satisfied and if it is not satisfied what percentage will be considered satisfactory by the Hon'ble Minister.

Mr. ESKANDAR ALI KHAN: It is a matter for a particular district. As a matter of fact it has not yet been satisfied even after the withdrawal of the ban of 1942.

Mr. BIMAL COMAR CHOSE: The question relates only to a particular District and the Hon'ble Minister's answers are also restricted to that District. I am also asking the question with regard to that district only.

Mr. ESKANDAR ALI KHAN: I have got nothing further to add.

Mr. MADAR BUX: Will the Hon'ble Minister be pleased to state whether there has been any improvement in the matter of licence regarding wholesale dealers of foodstuff and cloth in favour of the Muslims since the publication of the Circular as stated by the Hon'ble Minister in the last paragraph?

Mr. ESKANDAR ALI KHAN: I have already stated that the situation has definitely improved. I cannot say to which extent. For that I want notice.

Mr. MADAR BUX: Will the Hon'ble Minister be pleased to state whether regarding this matter there was a great agitation among the Muslims and representations were submitted to the Hon'ble Minister?

Mr. ESKANDAR ALI KHAN: Yes.

Mr. MADAR BUX: Will the Hon'ble Minister be pleased to state what steps he has taken regarding those grievances of the Muslims of Rajshahi?

Mr. ESKANDAR ALI KHAN: As a matter of fact every possible direction has been issued by the Government just to see that new entrants may get sufficient facilities to come to the field.

Mr. MADAR BUX: Is the Hon'ble Minister aware that this direction by the Government is being deliberately defied by the local authorities?

Mr. ESKANDAR ALI KHAN: No.

Mr. MADAR BUX: Will the Hon'ble Minister be pleased to tell us who is the District Controller of Rajshahi?

Mr. ESKANDAR ALI KHAN: I am sorry I cannot say that.

Mr. MADAR BUX: Will the Hon'ble Minister be pleased to state who submitted this report and when this report was submitted?

Mr. ESKANDAR ALI KHAN: I am sorry I cannot give you the name of the officer who actually submitted the report.

Mr. NIHARENDU DUTT-MAZUMDAR: Will the Hon'ble Minister be leased to state with reference to figures representing communal ratio in he Rajshahi district since the minority community has already been reduced o a minority in appointments will that be considered satisfactory as having ulfilled the needs of the principle of communal ratio rules in the Rajshahi istrict? (No answer.)

Mr. SPEAKER: He could not follow the question. Will you repeat it? But do not repeat the question in the same language.

Mr. NIHARENDU DUTT-MAZUMDAR: Yes, Sir. I shall help him o understand. With reference to answer (*iv*)(*l*) wherein it is stated hat the number of Hindus appointed is 328 and the number of Muslims 90 as the minority community holds the minority of appointments will hat be considered satisfactory as having fulfilled the principle of communal atio?

Mr. ESKANDAR ALI KHAN: I have nothing further to add.

Mr. MADAR BUX: Will the Hon'ble Minister be pleased to state hat is the percentage of Muslim population in the Rajshahi district?

Mr. SPEAKER: That question does not arise.

Mr. NIHARENDU DUTT-MAZUMDAR: Will the Hon'ble Minister be leased to state whether with the increase of the communal ratio in favour f one community the food position also has improved in the Rajshahi istrict?

Mr. SPEAKER: That question does not arise.

Reconstitution of District Board of Dinajpur.

***227. Mr. NISHITHA NATH KUNDU:** (*a*) Will the Hon'ble Minister n charge of the Local Self-Government Department be pleased to state hether it is a fact that the District Board of Dinajpur is continuing to unction for about 3 years after the statutory period of 5 years had elapsed n August, 1944?

(*b*) If the reply to (*a*) is in the affirmative, will the Hon'ble Minister e pleased to state—

(*i*) why the District Board has not been reconstituted yet;

(*ii*) when the delimitation of constituencies was completed; and

(*iii*) when the scheme for delimitation was submitted to the Government by the District Board and the Divisional Commissioner?

(*c*) Will the Hon'ble Minister be pleased to state—

(*i*) whether his attention has been drawn to the starred question No. 22, dated the 20th February, 1945, in which the Hon'ble Minister in charge replied that the reconstitution would take place within a year from that date;

(*ii*) whether the question if under the existing law and rules a District Board can legally function after the statutory period is over was ever referred to any legal expert for his opinion;

(*iii*) whether it is a fact that in August, 1946, the President of the District School Board, Dinajpur, requested the Government to take legal opinion in the matter;

(*iv*) whether the Hon'ble Minister contemplated taking steps so that the elections to the District Board and Union Boards are completed before the election of the District School Board takes place;

(*v*) if not, why not; and

(*vi*) whether the Government have received the resolution adopted in the District Krishak Praja Conference held in December, 1946, demanding reconstitution of the District Board before the District School Board is reconstituted?

Mr. S. A. SALIM (on behalf of the Hon'ble Mr. Mohammed Ali): (*a*) and (*c*) (*i*), (*ii*), (*iii*) and (*vi*) Yes.

(*b*)(*i*) Difficulties in the way of arriving at a suitable scheme of delimitation of constituencies for direct election have prevented the reconstitution of the Board.

(*ii*) Government has not yet sanctioned the scheme of delimitation received from the Board and from local officers.

(*iii*) In July, 1946.

(*c*) (*iv*) and (*v*) Government will do its best to see that the Board is reconstituted early and elections held before the District School Board elections if possible.

Mr. NISHITHA NATH KUNDU: With reference to reply (*c*)(*ii*) and (*iii*), will the Hon'ble Minister be pleased to tell us what was the opinion given by the expert?

Mr. S. A. SALIM: Unfortunately the report is not with me. I want notice.

Mr. NISHITHA NATH KUNDU: That is no reply to my question. I wanted to know what was the opinion given by the expert.

Mr. S. A. SALIM: The opinion is that the District Board can function.

Mr. NISHITHA NATH KUNDU: Who is the expert who was referred to for this opinion?

Mr. S. A. SALIM: Legal officer of the Government.

Mr. NISHITHA NATH KUNDU: Who was that officer—Advocate-General or any other officer?

Mr. S. A. SALIM: Legal Remembrancer.

Mr. NISHITHA NATH KUNDU: Will the Hon'ble Minister please tell us why the Government has not yet sanctioned the scheme of delimitation received from the Commissioner and the District Board?

Mr. S. A. SALIM: The whole scheme of delimitation submitted by the Commissioner and the District Board is under examination of the Government.

Mr. NISHITHA NATH KUNDU: Will the Hon'ble Minister please tell us if the Commissioner has approved the scheme submitted by the District Board?

Mr. S. A. SALIM: The Commissioner has not approved but has sent his own recommendation.

Mr. NISHITHA NATH KUNDU: Will the Hon'ble Minister please tell us if the recommendation of the District Board materially differs from the recommendation of the Commissioner?

Mr. S. A. SALIM: Not very much.

Mr. NISHITHA NATH KUNDU: Will the Hon'ble Minister be pleased to state what has been the basis of examination of these two recommendations by the Government?

Mr. S. A. SALIM: The whole matter is under consideration. We have not yet got any reply from the department.

Mr. NISHITHA NATH KUNDU: In view of the answer given to question (*b*)(*iii*) that this recommendation reached Government in July 1946, will the Hon'ble Minister be pleased to state what stood in the way of Government in finishing examination after they took about 10 months?

Mr. S. A. SALIM: The Commissioner's letter was received in July. The whole matter was under examination and referred to the Commissioner. The reply of the Commissioner has not yet been received.

Mr. NISHITHA NATH KUNDU: In view of the fact that the District Board and union board are the constituencies for election of members to the School Board, does the Hon'ble Minister think it desirable to specifically direct that election to District School Board should not be held before elections to union board and District Board are completed?

Mr. S. A. SALIM: Election to District School Board is done by the Education Department and there are certain rules; so that as soon as the term of members of the School Board is finished the District Board is called upon to send representatives under section (*c*) of the Bengal Primary Education Act. I do not think the election to the School Board could, in any way, be postponed in that respect.

Mr. NISHITHA NATH KUNDU: In view of the answer given, will the Hon'ble Minister please reconcile it with the answer he has already given to question (*c*)(*iv*) and (*e*), namely, "Government will do its best to see that the Board is reconstituted early and elections held before the District School Board elections if possible".

Mr. SPEAKER: It is clear, Mr. Kundu. The reply was: Government will see that the election of the District Board may be expedited. It was not said in the printed reply that the election of the District School Board will, in any way, be stopped.

Mr. NISHITHA NATH KUNDU: I refer to question (*c*). There was another question put in regard to election of the District School Board, and the reply to that question was that they will finish reconstitution within one year. The reply was dated 20th February, 1945. Two years have elapsed, but Government has not yet finished examination.

Mr. SPEAKER: That is a different matter. But there is nothing irreconcilable between the printed reply and the reply the Hon'ble Minister has now given.

Mr. NISHITHA NATH KUNDU: In view of the fact that District Board and the union board are constituencies for election of District School Board, does the Hon'ble Minister think it desirable to refer the matter to the Education Board stating all the facts and asking that the election of the School Board should be postponed till the elections of union board and District Board are over?

Mr. S. A. SALIM: The District Board is competent enough to send its representatives to the District School Board, if the old board continues in office, but in the reply it has been stated that steps will be taken to form a new board before the election of the School Board. But if the School Board election cannot be held then the present District Board is quite competent to send its representatives to the District School Board.

Mr. NIKUNJA BEHARI MAITI: Will the Hon'ble Minister be pleased to state if the representatives of the District Board who go to the District School Board will vacate their seats when they are not elected?

Mr. S. A. SALIM: No, Sir. District Board is only a college which can send any representatives either from members of the District Board or from outside it.

Mr. MUHAMMAD HABIBULLAH CHAUDHURY: Will the Hon'ble Minister be pleased to state when the election of the school board is due?

Mr. S. A. SALIM: I want notice.

Proposed Faridpur-Barisal Railway Line Extension.

***228. Dr. PROTAP CHANDRA GUHA ROY:** Is the Hon'ble Minister in charge of the Works and Buildings Department aware that the steamer companies who are unable to give accommodation to the passengers are making all possible obstruction to the proposed Faridpur-Barisal Railway Line Extension?

Dr. BHOLA NATH BISWAS (on behalf of the Hon'ble Mr. Dwarkanath Barori): Some objections were received but the project was recommended by this Government to the Railway Board who have included it in the tentative list of Post-War Railway projects.

Mr. MUHAMMAD HABIBULLAH CHAUDHURY: Will the Hon'ble Minister be pleased to state what are the objections put forward by the Steamer Company?

Dr. BHOLA NATH BISWAS: I ask for notice.

Dr. PROTAP CHANDRA GUHA ROY: Is it the information of the Minister that the preliminary survey of the proposed Faridpur-Barisal Railway Line Extension was completed long ago?

Dr. BHOLA NATH BISWAS: Yes.

Dr. PROTAP CHANDRA GUHA ROY: May we know what is the cause of postponement of this project now for an indefinite period?

Dr. BHOLA NATH BISWAS: It is under the tentative Post-War Scheme of the Government of India. It is within the jurisdiction of the Government of India and it is within their discretion as to when they will take up the work.

Dr. PROTAP CHANDRA GUHA ROY : Will the Hon'ble Minister be pleased to state if it is known to him that this delay is due to the dilatoriness of the Bengal Government?

Dr. BHOLA NATH BISWAS : No.

Mr. MUHAMMAD HABIBULLAH CHAUDHURY: When was the project recommended by the Government of Bengal.

Dr. BHOLA NATH BISWAS: Last year.

Mr. NIKUNJA BEHARI MAITI: Will the Hon'ble Minister be pleased to state when the project will be given effect to?

Dr. BHOLA NATH BISWAS: I ask for notice.

Mr. NIKUNJA BEHARI MAITI: Will the Hon'ble Minister be pleased to state who objected to the project of this line?

Dr. BHOLA NATH BISWAS: The Steamer Company.

Mr. NIHARENDU DUTT-MAZUMDAR: On what grounds the Steamer Company's objections were based?

Dr. BHOLA NATH BISWAS. I cannot say offhand.

Mr. NIHARENDU DUTT-MAZUMDAR: Is the Hon'ble Minister aware that on the ground of public convenience this line was demanded?

Dr. BHOLA NATH BISWAS: I am not aware of that.

Mr. MUHAMMAD HABIBULLAH CHAUDHURY: Will the Hon'ble Minister be pleased to state when the scheme was included in the tentative list of Post-War Railway Project?

Dr. BHOLA NATH BISWAS: I cannot give the definite date.

Mr. SPEAKER: The honourable member ought to know that this question does not directly concern the local Government. The Railway is under the Government of India; so the question concerns the India Government. And therefore honourable members cannot expect a very detailed information in this connection from the Provincial Government.

Dr. PROTAP CHANDRA GUHA ROY: Sir, we want to know when the project was included actually in the tentative list of Post-War Railway Projects?

Mr. SPEAKER: This is a Post-War Scheme of the Railway Board which is not under this Government.

Dr. PROTAP CHANDRA GUHA ROY: Sir, the Government knows that it has been included in the Post-War plan and for that reason we want to know when it was included.

Mr. SPEAKER: The Hon'ble Minister knows as much as the honourable member.

Now, as it is the desire of the House that the House should rise earlier today, I do not like to take up any more questions. Questions over.

Communal Situation in Calcutta.

Mr. DHIRENDRA NATH DATTA: Mr. Speaker, Sir, before you take up the business of the day in the absence of my leader I want to make a statement because reports have been received which go to show that the communal situation in the city has deteriorated to a great extent. It has been reported to me that many incidents have already occurred I have got a report just now of an incident that happened in Harrison Road when a tram car was attacked by a certain mob, and it has been reported to me by a responsible person, a reporter of Basumati. Then, Sir, my friend Mr. Jalan intended to move an adjournment motion in connection with an incident that occurred night before last. That incident happened at 170, Harrison Road at about 2 a.m. in the morning in which a certain person was shot dead at that unearthly hour of the night. When the House was serched, a person who slept in a certain room there was found missing. He was killed and this was brought to the notice of the inmates of the House only at about 9 a.m. on the next morning. Then it has been reported to me by my friend, Mr. Amulya Adhikari, that at the junction of the Clive Row at about 10 a.m. a person was stabbed by another person and some people chased the assailant, and it is reported that the chasing persons were fired at by a certain section of the police. Then there have been incidents at other places. My friend, Mr. Nishitha Nath Kundu, has placed a statement before me which shows that seven dead bodies were found on the road between Dhakuria level crossing and Gariahat and nobody could say how those people were killed. Then he has further reported that a tram car near the Nakhoda Mosque was stopped. Some of the passengers were taken out and stabbed near the mosque. It has also been reported that one person near the Calcutta Corporation office has been stabbed and the Calcutta Corporation offices have been closed. It has further been reported that a person was stabbed near about the General

Post Office. It is impossible to enumerate incidents that happened yesterday and today. Sir, it is quite clear that the communal situation has deteriorated to a very great extent. I do not know whether the Government will admit this, but I am convinced in my heart of hearts that the situation has greatly deteriorated. Then, Sir, Mr. Monoranjan Dhar has reported that at Kakurgachi some incidents have happened.

Sir, all this go to show that the situation has deteriorated. I should like to know whether Government is aware of it and whether Government intends to take drastic steps in order to prevent further deterioration. Now, Sir, I have just now received a report that in the Rajabazar area a servant of a zemindar has been stabbed to death. Sir, my suggestion therefore is that in those areas where these incidents are happening, namely, in Lower Chitpur Road area, Dhurramtola area, Rajabazar area and other places, sufficient punitive measures should be taken. We have been bringing these matters already to the notices of Government in order that Government may take sufficient punitive measures but nothing has been done so far.

It is our duty to bring it to the notice of the Government and it is not possible for us to give the Government full suggestions as to how to tackle the situation. I only want that the Government should sit together and should take drastic measures in respect of the areas in which our complaint is that sufficient punitive measures have not been taken. I only wish to tell my friend Mr. Mohammed Ali in the absence of the Hon'ble Chief Minister that the position has become insecure. Some of my friends here have already left and I have already told you that the situation has really deteriorated to such an extent that the members are anxious to go back to their houses because I hear the trams have already ceased to run. So, Sir, I only bring it to the notice of the Government and I want to hear whether the Government do admit it and what steps Government propose to take in order to prevent further deterioration and to make the life of the people of the city secure.

Mr. MUHAMMAD RAFIQUE: Mr. Speaker, Sir,——.

Mr. SPEAKER: I won't allow any member to speak.

Mr. MUHAMMAD RAFIQUE: As one who represents North Calcutta here, I wish to say——.

Mr. SPEAKER: I am sorry I cannot allow any debate.

Mr. DHIRENDRA NATH DATTA: I hear Dr. P. K. Sen Gupta, a well-known physician of the city has been shot dead.

The Hon'ble Mr. MOHAMMED ALI: Mr. Speaker, it is a fact that the communal situation in the city has somewhat worsened and so far we have received information that 22 incidents have taken place in different parts of the city today and the police had to open fire on several occasions. In one incident there was an explosion of a bomb which took place very near the car of the Commissioner of Police and, of course, very drastic steps have been taken and lots of arrests have also been made. As the Deputy Leader of the Opposition has suggested, we do propose to take very drastic steps in order to maintain law and order in the city. I have already passed orders to the effect that in the areas where incidents take place, 48 hours' curfew should be imposed. I want to inform the House that the curfew restriction in Burrabazar, Jorasanko, Amherst Street, Bowbadar, Muchipara, Entally, Taltala and Beniapukur will be extended for a week and will be enforced from 7 p.m. to 6 a.m. 35 hours' curfew has been imposed in Manicktala and Beliaghata. I received report of a certain incident by telephone and I at once instructed the Home Department to issue orders to the Commissioner of Police to impose 48 hours' curfew there. (Mr. BHUPATI MAJUMDAR: In which area?) I do not

know under which thana it falls but it is somewhere near about Sealdah. (Mr. DHIRENDRA NARAYAN MUKHERJI: What about Park Circus?) I have also issued orders to the effect that wherever there is an incident, 48 hours' curfew should be imposed. The order cannot be over the entire jurisdiction of the thana but it should be restricted to the portion of the thana where the incident takes place. (Mr. MUHAMMAD RAFIQUE: What about the Royal Exchange Place?) I am not very sure about the place but a certain area behind the Writers' Buildings where an incident took place has been put under curfew.

I want to assure the House that all possible drastic steps will be taken by Government to put a stop to the outbreak or recrudescence of communal violence in the city and punitive steps will also be taken to see that the situation does not deteriorate or does not worsen.

So far as further suggestions are concerned, I would welcome suggestions from all sections of the House including the Deputy Leader of the Opposition. If helpful suggestions are given to the Government, I shall certainly see that those suggestions are accepted by Government and implemented. I, therefore, invite all sections of the House to a conference which will be held immediately after the House rises today so that we can take stock of the present position and the Leaders of the different sections might give their suggestions as to how to combat the recrudescence that has taken place today. But so far as the question of other punitive measures is concerned—imposition of punitive fines or things like that—I propose to discuss that matter also with the Leaders of the different groups. If they will kindly attend the conference, I see no reason why Government should not give effect to the recommendations of the Leaders of the different parties.

Before I sit down I want to assure the House that every possible step will be taken by Government in order to put a stop to the communal violence and Government will also go far to implement the recommendations which may be made by the Leaders of the different parties at the conference today which I propose to hold with the Leaders of the different parties immediately after the termination of today's sitting.

Mr. HARIPADA CHATTERJEE: What do you propose to do about the question that at 2 p.m. a certain person was shot dead in the house and when the house was serched the room where he was lying dead was not searched and he was not given any help?

The Hon'ble Mr. MOHAMMED ALI: It is not possible to go into the details of every isolated incident. I have before me report of 22 incidents that have taken place in the city. It is not necessary to go into them. I did receive a report from Mr. J. C. Gupta regarding the murder of one doctor, a well-known doctor, but it has not been officially confirmed yet, but I can assure the House that due investigation will be made to bring the culprits to book and I can assure you that not only in this case but in all cases reported to Government proper enquiry and investigation will be made and every effort will be made by Government to bring the culprits to book. But unfortunately in such incidents Government do not get the co-operation of the public. It is apparent to the members of the House that for reasons into which I need not go the police are very greatly handicapped in the matter of investigation because if the culprits happen to be members of a particular community and if a police officer goes to that locality, he does not get that amount of support, help and assistance which the police are entitled to and therefore the police cannot conduct the investigations properly.

Mr. HARIPADA CHATTERJEE: If the police themselves are concerned what do you propose to do?

Mr. SPEAKER: You cannot raise any debate. I have already stopped another member from that side.

Mr. HARIPADA CHATTERJEE: We have been denied the privilege of an adjournment motion and I ask this straight question—if the Police themselves are concerned, what do you propose to do. That is a very pertinent question and with your permission I am asking this question.

Mr. DHIRENDRA NATH DATTA: One difficulty has arisen as a result of this long curfew. So far as members are concerned they come from different areas. If there is a long curfew they should be given permits or their cards should be treated as permits. This is a matter which should receive the attention of the Hon'ble Minister.

The Hon'ble Mr. MOHAMMED ALI: What is the use of discussing these matters now? I said that I am requesting all the leaders of different parties to meet in the conference.

Mr. SPEAKER: Here is a new point. This is about a permit.

The Hon'ble Mr. MOHAMMED ALI: That point may also be discussed and if the conference recommends that, I shall certainly see that permits are issued.

Mr. DHIRENDRA NATH DATTA: This is a matter which should be taken up immediately.

Mr. SPEAKER: The Hon'ble Minister says that he has already invited the leaders of different parties to meet here to discuss this matter also along with other matters.

Mr. DHIRENDRA NATH DATTA: Sir, it is impossible to attend conference now as members are anxious to go home because unless they go now they will not be able to reach their houses before curfew hours. As for curfew the permit cards of the honourable members may be treated as curfew permits. That is a matter which should be decided immediately. The sense of the House may be taken.

Mr. SPEAKER: This matter was mentioned more than once and I have already expressed my views and also written to the Commissioner of Police.

Mr. NIHARENDU DUTT-MAZUMDAR: A serious practical difficulty has arisen and I hope the Hon'ble Mr. Mohammed Ali's attention may be drawn to it. Certain trucks were provided for the transporting of members for coming to the House and going back home. Some of the trucks have been withdrawn. Trams are now also stopping early. So an immediate practical difficulty has arisen as to how members are to go back particularly in view of longer curfew hours imposed in very many areas, and how they are to come to this House. To this point I invite the serious attention of Government and I would also invite them to suggest how they can arrange this. I just had a talk with Mr. K. Nasarulla, the Parliamentary Secretary, who informed me that the trucks which were in the service of the members of this House had to be sent out elsewhere. So he himself is helpless. I suggest therefore that this problem be tackled immediately to help members to go back home safely so that it may ensure that they can again come to this House. This is a serious practical difficulty to which I invite your attention. As regards the issue of permits there is also this danger. If the members' identity cards are accepted as curfew permits some of the policemen who are on duty and who are quite strangers to this city may not be able to recognise and after shooting down if it is found out that there was a bona fide mistake that mistake will then be beyond redemption. I suggest that something must

be done to enable members to move about during curfew hours and also about transport. If these difficulties are recognised I feel that until the situation improves a little, until these curfews are withdrawn and circumstances are so that it is possible to withdraw the curfews imposed, it will be necessary to consider seriously to adjourn the House for some time in order to enable members—even two or three days' adjournment might do for trial—to find out if the situation improves. If the Hon'ble Hr. Mohammed Ali desires to have his conference now when both the Leader of the House and the Leader of the Opposition are away I would suggest that he may arrange with the leaders of different sections of this House present here to meet and find out what they can do by putting their heads together. It will also mean some thinking out and making some practical arrangements. Short of these practical arrangements the deliberations will mean nothing. I therefore suggest from all points of view — —.

Mr. SPEAKER: From the length of your speech it appears that you are not anxious to go home earlier.

Mr. NIHARENDU DUTT-MAZUMDAR : I am as anxious as anybody else but I am hesitant to step out.

Mr. SPEAKER: But it affects the seriousness of the demand.

Mr. NIHARENDU DUTT-MAZUMDAR: Well, Sir, I appreciate your solicitude for our safety and for our going early. I leave it in your hands to make proper arrangements for safe transport of members.

Mr. SPEAKER: May I know if members are willing to go on with the business of the House?

(At this stage Mr Speaker held consultations with leaders of different groups.)

As it is the desire of members not to sit longer today on account of longer curfew imposed on various quarters I think the business of the House should not be taken up. So I adjourn the House till 4-30 p.m. on Monday, the 28th.

Adjournment.

The House was then adjourned at 6 p.m. till 4-30 p.m. on Monday, the 28th April, 1947, at the Assembly House, Calcutta.

Proceedings of the Bengal Legislative Assembly assembled under the provisions of the Government of India Act, 1935.

THE ASSEMBLY met in the Assembly House, Calcutta, on Monday, the 28th April, 1947, at 4-30 p.m.

Present:

Mr. Speaker (the Hon'ble Mr. NURUL AMIN) in the Chair, 3 Hon'ble Ministers and 149 Members.

Obituary.

Mr. SPEAKER: Ladies and gentlemen, it is my melancholy duty to refer to the sad and sudden death of Maulvi Abul Quasem, a sitting member of this House. He passed away at 5 a.m. this morning. He represented the Hooghly Muhammadan constituency and took an active interest in the welfare of this province. He was also a member of the last Bengal Legislative Assembly. He won respect and admiration from all by his sweet, simple and amiable disposition. I feel it is the desire of the House to send a message of condolence to the bereaved family. I hope members will signify their assent by rising in their seats.

(Members rose in their seats.)

Thank you, ladies and gentlemen. The Secretary will take necessary action.

Following the convention that when a sitting member passes away during the session, the House is adjourned without transacting any business, I feel I should adjourn the House today as a mark of respect to the memory of the deceased. The House stands adjourned till 4-30 p.m. tomorrow.

Adjournment.

The House was then adjourned at 4-33 p.m. till 4-30 p.m. on Tuesday, the 29th April, 1947, at the Assembly House, Calcutta.

Proceedings of the Bengal Legislative Assembly assembled under the provisions of the Government of India Act, 1935.

THE ASSEMBLY met in the Assembly House, Calcutta, on Tuesday, the 29th April, 1947, at 4-45 p.m.

Present:

Mr. Speaker (the Hon'ble Mr. NURUL AMIN) in the Chair, 7 Hon'ble Ministers and 164 Members.

HELD OVER STARRED QUESTIONS

(to which oral answers were given)

Publicity Organisers in Bengal.

***229. Mr. MD. ABDUL HAKIM VIKRAMPURI:** (*a*) Will the Hon'ble Minister in charge of the Chief Minister's (Publicity) Department be pleased to state—

(*i*) the number of the District and the Subdivisional Publicity Organisers in Bengal; and

(*ii*) how many of the posts are held by—

(1) Muslims,

(2) Hindus, and

(3) Scheduled Castes?

(*b*) Is it a fact that the District and the Subdivisional Publicity Organisers are not allowed any increment of pay or gratuity? If not, why not?

(*c*) Will the Hon'ble Minister be pleased to state—

(*i*) whether the posts are purely temporary on a fixed pay and the officers are getting fixed pay for several years together; and

(*ii*) whether the Government propose to make this department permanent?

(*d*) Is it a fact that many officers have left the department and as a result thereto a number of posts are lying vacant for many months?

(*e*) Has there been any appointment to the posts of District publicity Organisers from the Subdivisional Publicity Organisers by promotion? If not, why not?

Mr. S. A. SALIM: (on behalf of the Hon'ble Mr. H. S. SUHRAWARDY): (*a*) (*i*) There are 28 posts of District Publicity Organisers and 100 posts of Subdivisional Publicity Organisers.

(*ii*) The posts are held as shown below:—

	District Publicity Organisers.	Subdivisional Publicity Organisers.
(1) Muslims ..	14	50
(2) Caste Hindus ..	10	35
(3) Scheduled Castes ..	4	14
Vacant ..	..	1
	28	100

(*b*) Yes; as they are employed on fixed pay and as there is no corresponding permanent post on time-scale, they are not entitled to any increment or gratuity under the rules.

(*c*)(*i*) Yes; they are getting fixed pay from July, 1944.

(*ii*) Government have no proposal under consideration to make the posts of District Publicity Organisers and Subdivisional Publicity Organisers permanent.

(*d*) Several officers left the department from time to time. At present, only one post of Subdivisional Publicity Organiser is vacant which is being temporarily filled up by a local recruit.

(*e*) Yes, does not arise.

Mr. MUHAMMAD HABIBULLAH CHAUDHURY: Will the Hon'ble Minister be pleased to state what is the nature of work done by these District and Subdivisional Publicity Organisers?

Mr. S. A. SALIM : They collect facts from the districts and send them to the headquarters for publication in Government papers.

Mr. SURESH CHANDRA DAS GUPTA : মাননীয় মন্ত্রীমহাশয়, অনুগ্রহ করে বলবেন কি Publicity Officer দের কি qualifications দরকার হয়?

Mr. S. A. SALIM: So far as specific qualifications are concerned they are in some cases Matric, in some cases B.A., and in some cases I.A.

Mr. SURESH CHANDRA DAS GUPTA : মাননীয় মন্ত্রীমহাশয় বলবেন কি এঁরা কি সব সংবাদ সংগ্রহ করেন আর কি তথ্য প্রকাশ করেন?

Mr. S. A. SALIM: Regarding condition of food, condition of crop as well as other things in the districts.

Mr. SURESH CHANDRA DAS GUPTA : মাননীয় মন্ত্রীমহাশয় বলবেন কি এদের কোন অফিস আছে কি?

Mr. BADIUZZAMAN MUHAMMAD ILIAS : Is the Hon'ble Minister aware that with the dissolution of this department many Publicity Officers will be age-barred?

Mr. S. A. SALIM: May be so.

Mr. MUHAMMAD HABIBULLAH CHAUDHURY : Will the Hon'ble Minister be pleased to state when the nature of work is permanent, why should not these posts be made permanent?

Mr. S. A. SALIM: The matter is under examination of Government at the present moment.

Mr. MIRZA ABDUL HAFIZ: Will the Hon'ble Minister be pleased to state how many promotions took place and from what subdivisions?

Mr. S. A. SALIM: I want notice.

Mr. BADIUZZAMAN MUHAMMAD ILIAS: Will the Hon'ble Minister be pleased to state what arrangement is going to be made for those persons whose age will be barred?

Mr. S. A. SALIM: I have already said that the question of making this department permanent is under examination of Government.

Mr. BADIUZZAMAN MUHAMMAD ILIAS: In answer to qestion No. (*c*) (*ii*) Government specifically states that they have no proposal under consideration to make the posts of Publicity Organisers permanent. How can the Hon'ble Minister say again that Government is examining this matter?

Mr. S. A. SALIM : Since that question was replied to this matter is under examination now.

Mr. MUHAMMAD HABIBULLAH CHAUDHURY: Will the Hon'ble Minister be pleased to state whether Government has not any machinery to train young men for the purpose of publicity?

Mr. S. A. SALIM: They are given first training here and then they are sent out to the districts.

Mr. MUHAMMAD ISRAIL: Will the Hon'ble Minister be pleased to state up to how long they will remain in service if they are not made permanent.

Mr. S. A. SALIM: That I cannot say. I can only say about the intention of Government to make this department permanent.

Mr. MUHAMMAD HABIBULLAH CHAUDHURY: Will the Hon'ble Minister be pleased to state the nature of training that is being given to these gentlemen?

Mr. S. A. SALIM : Just a sort of training to get information from the district as arranged by the Directorate of Publicity, Calcutta.

Ban on Anushilan Samity.

***230. Mr. BIJOY KRISHNA SARKAR:** (*a*) Will the Hon'ble Minister in charge of the Home Department be pleased to state—

(*i*) when ban was imposed upon the Anushilan Samity of Bengal; and

(*ii*) whether the Government has withdrawn the ban from the said Anushilan Samity?

(*b*) If the answer to (*a*) (*ii*) be in the affirmative, will the Hon'ble Minister be pleased to state the date on which the ban was withdrawn?

(*c*) If the answer to (*a*) (*ii*) be in the negative, will the Hon'ble Minister be pleased to state whether the Government contemplates withdrawal of the ban soon?

(*d*) If not, will the Hon'ble Minister be pleased to state the reason thereof?

Mr. K. NASARULLA (on behalf of the Hon'ble Mr. H. S. SUHRAWARDY): (*a*) The Government of India imposed a ban on the Anushilan Samity and the Calcutta Anushilan Samity in 1909; no ban has been imposed on the Anushilan Samity of Bengal

(*b*) to (*d*) Action was taken by the Government of India and the question of action by this Government does not arise.

Mr. SURESH CHANDRA DAS GUPTA : মাননীয় মন্ত্রীমহাশয়, অনুগ্রহ করে বলবেন কি Bengal Police এই banned অনুশীলন সমিতির মেম্বারগণের উপর এবং এই organisation এর উপর কোন watch রাখেন কিনা?

Mr. K. NASARULLA : Sir, I have said that the samity has been put under ban and therefore the watch is necessary.

Mr. SURESH CHANDRA DAS GUPTA : মাননীয় মন্ত্রী মহাশয় বলবেন কি এই banned অনুশীলন সমিতিকে watch করবার জন্য Bengal Police এর কোন duty আছে কিনা?

Mr. K. NASARULLA: Whenever the ban is put upon a samity, its activities must be watched.

Mr. SURESH CHANDRA DAS GUPTA : মাননীয় মন্ত্রীমহাশয় বলবেন কি Bengal Government এই পুলিশের মারফৎ অনুশীলন সমিতির কোন খবর সংগ্রহ করেন কিনা?

Mr. K. NASARULLA: The Government of Bengal acts as an agent of the Government of India in this respect.

Mr. SURESH CHANDRA DAS GUPTA: মাননীয় মন্ত্রীমহাশয়, তাহলে বলবেন কি Bengal Government এই সংবাদ সংগ্রহ করে Government of Indiaকে পাঠান কিনা ?

Mr. K. NASARULLA: I have said that in the answer.

Mr. BADIUZZAMAN MUHAMMAD ILIAS: Is the Hon'ble Minister aware tnat some sort of organisation of the nature of this Anushilan Samity is being run by the sponsors of that Anushilan Samity?

Mr. K. NASARULLA: Government has got no information like that.

Mr. MUHAMMAD HABIBULLAH CHAUDHURY: Will the Hon'ble Minister be pleased to state whether the Anushilan Samity, Calcutta, and Anushilan Samity, Bengal, exist today or they have been absorbed in other organisations like R. S. P., C. S. P. and so on and so forth?

Mr. K. NASARULLA: I want notice.

Mr. AMULYA CHANDRA ADHIKARI: Will the Hon'ble Minister be pleased to tell us what was the reason for suppressing these Anushilan Samities?

Mr. K. NASARULLA: I have said that the Government of India put the ban and the reasons are known to them and not to this Government.

Mr. BIJOY KRISHNA SARKAR: Will the Hon'ble Minister be pleased to state whether the Government of Bengal will kindly write to the Government of India to withdraw the ban?

Mr. K. NASARULLA : If the Government of Bengal is satisfied that the Samity is not doing any mischief, they will do it.

Mr. AMULYA CHANDRA ADHIKARI: Will the Hon'ble Minister be pleased to state whether the Anushilan Samity still exists or not?

Mr. K. NASARULLA: As far as my knowledge goes it does not.

Mr. MUHAMMAD HABIBULLAH CHAUDHURY: Will the Hon'ble Minister be pleased to state why the Government of India has not yet removed the ban on the Anushilan Samity, Calcutta?

Mr. K. NASARULLA: The answer to this would be that I cannot say that, the Government of India will be able to say that.

Mr. A. T. MAZHARUL HAQUE: Will the Hon'ble Minister be pleased to state how many dacoities including Balla dacoity were committed in the district of Dacca by the Anushilan Samity?

Mr. K. NASARULLA: I want notice.

Issue of gun licences in Jessore district.

***231. Mr. BIJOY KRISHNA SARKAR:** Will the Hon'ble Minister in charge of the Home Department be pleased to state—

(*a*) the number of gun licences issued to the (*i*) Hindus and (*ii*) Muslims of the district of Jessore during the year 1946; and

(*b*) how many gun licences were issued to the (*i*) Hindus and (*ii*) Muslims of Jessore during the period from the 16th August to the 31st December, 1946?

Mr. K. NASARULLA (on behalf of the Hon'ble Mr. H. S. SUHRAWARDY:) (*a*) (*i*) Hindus—95.

(*ii*) Muslims—211.

(*b*)(*i*) Hindus—26.

(*ii*) Muslims—66.

Mr. MUHAMMAD HABIBULLAH CHAUDHURY: Will the Hon'ble Minister be pleased to state what principles are being followed in issuing gun licences to different persons in the district?

Mr. K. NASARULLA: As soon as the District Magistrate is satisfied that the person who has applied for a licence is a desirable person to have it, he issues the licence.

Mr. MUHAMMAD HABIBULLAH CHAUDHURY: Will the Hon'ble Minister be pleased to state whether Communal Ratio Rules are observed here also?

Mr. K. NASARULLA: I do not think so.

Mr. MIRZA ABDUL HAFIZ: Is the Hon'ble Minister aware that all the applicants were granted gun licence and very few were refused?

Mr. K. NASARULLA: I am not aware. But if the honourable member wants the information, I will ask for notice.

Mr. MUHAMMAD ISRAIL: Will the Hon'ble Minister be pleased to state what is the standard by which the District Magistrate finds out the desirability or undesirability of any particular applicant?

Mr. K. NASARULLA: If the District Magistrate finds that the man is not connected with any convictions and is a respectable man, then he can issue the licence to the applicant.

Mr. MUHAMMAD HABIBULLAH CHAUDHURY: Will the Hon'ble Minister be pleased to state how many licence-holders are zamindars and jotedars and how many are professional shikaris?

Mr. K. NASARULLA: I ask for notice.

Mr. MIRZA ABDUL HAFIZ: Will the Hon'ble Minister be pleased to state whether it is a fact that some 30,000 gun licences are held by the Hindus in the province?

Mr. K. NASARULLA: That question does not arise. The question deals with the Jessore district.

Mr. MUHAMMAD ISRAIL: Will the Hon'ble Minister be pleased to state whether there is any written direction given by the Government as to the standard by which the District Magistrate should be guided in the matter of issuing licences to different applicants?

Mr. K. NASARULLA: It is within the discretion of the District Magistrate to do so.

Mr. MUHAMMAD HABIBULLAH CHAUDHURY: Will the Hon'ble Minister be pleased to state whether the same principle applies to all the districts or it depends on the discretion of the District Magistrate concerned?

Mr. K. NASARULLA: The same principle applies.

Mr. NISHITHA NATH KUNDU: Will the Hon'ble Minister be pleased to state if every one of the Hindus and Muslims who applied for licence were issued licence or some of them were refused?

Mr. K. NASARULLA: I ask for notice.

Working hours in offices under Bengal Government.

*232. **Mr. SYED ABDUR RAUF:** (*a*) Will the Hon'ble Minister in charge of the Chief Minister's (Establishment) Department be pleased to state—

(*i*) what are the hours of working in the offices under the Government of Bengal in Calcutta;

(*ii*) whether prior to 1945 the hours of working were less than at present; and

(*iii*) whether it is a fact that the hours of working in the offices under the Government of India in Calcutta are less than those in the offices under the Government of Bengal?

(*b*) If the answer to (*a*) (*ii*) is in the affirmative, will the Hon'ble Minister be pleased to state—

(*i*) what circumstances led the Government to enhance the working hours;

(*ii*) whether Government consulted the Public Health authority regarding the effect of longer working hours on the general health of the employees; and

(*iii*) whether the Hon'ble Minister is considering the desirability of revising the orders regarding office hours in Calcutta with a view to their reduction?

Mr. S. A. SALIM: (on behalf of the Hon'ble Mr. H. S. SUHRAWARDY): (*a*) (i) The hours of working are from 10-30 a.m. to 5-30 p.m. on week days and from 10-30 a.m. to 2 p.m. on Saturdays.

(*ii*) Prior to 1945 the hours of working on week days were less by half an hour than at present.

(*iii*) It has been unofficially ascertained that Customs and Income-tax offices of the Central Government work for seven hours on week days.

(*b*) (*i*) The working hours were increased by half an hour in April, 1945, on the analogy of the hours of work which were being observed by Mercantile offices and by offices of the Government of India. As the Rowlands Committee recommended a 7-hour working day in their Report, these working hours have been allowed to continue.

(*ii*) No, as Government did not believe that an additional half an hour's work would adversely affect the general health of the employees.

(*iii*) No.

Mr. MIRZA ABDUL HAFIZ: Is the Hon'ble Minister aware that since the Calcutta Disturbances in August last the working hours in offices are much less for the safe arrival of the officers to their respective homes?

Mr. S. A. SALIM: Yes, Sir.

Mr. SURESH CHANDRA DAS GUPTA : মাননীয় মন্ত্রীমহাশয়, অনুগ্রহ করে বলবেন কি Government of India কতক্ষণ লোককে কাজ করান সেটা তারা officially না জেনে unofficially জানেন কেন?

Mr. S. A. SALIM: We are just ascertaining from the departments, but we do not write to them officially. We are just asking the officers concerned about the working hours in their offices.

Mr. SURESH CHANDRA DAS GUPTA : মাননীয় মন্ত্রীমহাশয়, অনুগ্রহ করে বলবেন কি officially জানবার অধিকার থাকা সত্ত্বেও unofficially জানা হোল কেন? তার authenticity সম্বন্ধে প্রশ্ন হতে পারে—তার কোন উত্তর দেবেন কি?

Mr. S. A. SALIM: I do not think it necessary to refer the matter officially to Government.

Mr. SURESH CHANDRA DAS GUPTA: মাননীয় মন্ত্রী মহাশয়, অনুগ্রহ করে বলবেন কি Rowland Committeeর যে সমস্ত recommendation আছে তাতে ৭ ঘন্টা খাটাবার প্রস্তাব গ্রহণ করা হয়েছে কিন্তু অন্য যে সমস্ত সুবিধা দেবার জন্য recommendation আছে সেগুলো নেওয়া হোল না কেন?

Mr. S. A. SALIM: This question relates only to working hours. So far as other questions are concerned, the honourable member is entitled to give notice of fresh questions.

Mr. MUHAMMAD HABIBULLAH CHAUDHURY: Will the Hon'ble Minister be pleased to state the hours of working under different Provincial Governments in India?

Mr. S. A. SALIM: I ask for notice.

Mr. A. F. STARK: Will the Hon'ble Minister be pleased to state if it is a fact that the Rowlands Committee recommended that the working day should commence at 10 a.m. and not at 10-30 a.m.?

Mr. S. A. SALIM: Yes.

Mr. A. F. STARK: Will the Hon'ble Minister be pleased to state why this recommendation of the Rowlands Committee was not adopted by Government?

Mr. S. A. SALIM: The recommendation of the Rowlands Committee was to start work at 10 a.m. but it was found inconvenient for officers and clerks to attend at 10 a.m. because they have to take their meals and then come to office, and I think for that purpose the time is too short.

Mr. A. F. STARK: Will the Hon'ble Minister be pleased to state if he is aware that employees in the merchantile offices in Calcutta manage to attend their offices before 10 a.m.?

Mr. S. A. SALIM: May be so.

Mr. MUHAMMAD HABIBULLAH CHAUDHURY: Will the Hon'ble Minister be pleased to state the names of mercantile firms which——

Mr. SPEAKER: Order, order; Mr. Chaudhury, you did not wait even for the permission of the Chair.

Mr. NIHARENDU DUTT-MAZUMDAR: Sir, there are very few members who put so many supplementary questions as Mr. Chaudhury!

Mr. SPEAKER: Mr. Dutt-Mazumdar, I find there are two members who do so—yourself and Mr. Chaudhury. (Laughter.)

Mr. A. F. STARK: Will the Hon'ble Minister be pleased to state if it is a fact that majority of Government employees do not manage to attend by 10-30 a.m.?

Mr. S. A. SALIM: Employees in Government offices feel that it is convenient to attend at 10-30 a.m., and they do so.

Mr. MUHAMMAD HABIBULLAH CHAUDHURY: Will the Hon'ble Minister be pleased to state the names of some of the mercantile firms whom Government are following in this matter?

Mr. S. A. SALIM: I want notice.

Mr. FAZLUL QUADIR: Will the Hon'ble Minister be pleased to state whether the attendance at 10 a.m. recommended by the Rowlands Committee refers to the standard time or the Bengal time?

Mr. S. A. SALIM : It says, 10 a.m., but as the time followed in Bengal is the Bengal time, it must be the Bengal time.

Mr. MIRZA ABDUL HAFIZ: Will the Hon'ble Minister be pleased to state whether Government is prepared to consider the question of reducing the working hours and reducing the scale of pay of higher posts and so increase the number of new posts?

Mr. S. A. SALIM : Sir, this question refers only to working hours and nothing else and therefore I have nothing further to say.

Afforestation work in Nadia district.

***233. Mr. HARENDRA NATH ROY:** Will the Hon'ble Minister in charge of the Forests Department be pleased to state—

(*a*) the details of afforestation work in the district of Nadia in the year 1946-47;

(*b*) the details of works of conservation of private forests and afforestation of private waste lands in the year 1946-47;

(*c*) the names of places where the work referred to in clause (*b*) have been taken up and the names of owners of the private forests and waste lands where the works have been taken up; and

(*d*) the amount spent for work referred to in clauses (*a*) and (*b*)?

Mr. ABDUL KARIM (on behalf of the Hon'ble Mr. AHMED HOSSAIN): (*a*) A survey has been made and proceedings under the Land Acquisition Act are in progress with respect to an area of 2,000 acres which it is proposed to afforest at Bethuadahari in police-station Nakasipara. An experimental nursery of tree species and a small experimental plantation have been established on 16·5 acres of this land with the consent of the owners in anticipation of formal acquisition. A Divisional Forest Officer has been posted to the district who is reconnoitring and checking further cadastral plots considered suitable for afforestation.

(*b*) The West Bengal Forest Division with a small skeleton staff has been formed mainly for this work. Forest ranges have been established with headquarters at Arabari, Midnapore and Jhargram. The provisions of the Bengal Private Forest Act have been applied to the Midnapore district with the exception of the Garbetta police-station. Rules under the Bengal Private Forest Act have also been framed and notified. A preliminary reconnaissance of the private forests in this area has been made and the owners of the forests have been asked to submit working plans for their forests according to the rules.

(*c*) The whole of Midnapore district except Garbeta police-station. The names of the owners of the private forests are—(1) The Midnapore Zemindary Co., Ltd.; (2) Raja Narasingha Mulla Ugal Sanda Deb, O.B.E., of Jhargram; (3) Raja Jagadish Chandra Deb of Jamboni; (4) Nayagram Estate, Board of Revenue; (5) Maharaja of Mayurbhanj; (6) Mr. Benoy Kumar Shahash Roy (Lalgarh Estate); (7) The Ramgarh Court of Wards Estate; (8) Messrs. Nalini Nath Mitra and Jatindra Nath Mitra; and (9) Hingal Kumari Laha Estate.

(*d*) Rs.1,25,344.

Mr. SURESH CHANDRA DAS GUPTA : মাননীয় মন্ত্রী মহাশয়, অনুগ্রহ করে বলবেন কি (*a*) উত্তরে আছে "An experimental nursery of tree species and a small experimental plantation have been established....." এতে কি কি জাতীয় গাছ লাগান হচ্ছে; ফলের গাছ, না timber, না অন্য কোন গাছ?

Mr. ABDUL KARIM: I do not know the species.

Mr. SURESH CHANDRA DAS GUPTA: মাননীয় মন্ত্রীমহাশয়, অনুগ্রহ করে বলবেন কি যে (*b*) উত্তরে লেখা আছে species, এই শব্দের অর্থে যে গাছগুলি বুঝায় তাদের নাম মনে করে আসতে হয় কিনা?

Mr. ABDUL KARIM: It is not possible to go into such details in reply to a supplementary question.

Mr. MIRZA ABDUL HAFIZ: Will the Hon'ble Minister be pleased to state whether any compensation has to be paid to the owners of 16½ acres of land for a small experimental plantation?

Mr. ABDUL KARIM: The land has not yet been formally acquired. Access to the land has been taken with the owners' consent.

Mr. MUHAMMAD HABIBULLAH CHAUDHURY: Will the Hon'ble Minister be pleased to state why of all districts Nadia has been selected for afforestation?

Mr. ABDUL KARIM: Midnapore has also been selected.

Mr. MUHAMMAD HABIBULLAH CHAUDHURY: Is the Hon'ble Minister aware that because of top-heavy administration, bulk of the schemes of the Forest Department are practically unsuccessful?

Mr. ABDUL KARIM: No.

Mr. MIRZA ABDUL HAFIZ: Will the Hon'ble Minister be pleased to state whether any compensation has to be paid before final afforestation?

Mr. ABDUL KARIM: I have already answered that.

Mr. NISHITHA NATH KUNDU: With reference to reply (*c*), will the Hon'ble Minister please enlighten us whether the persons mentioned therein all belong to the Midnapore district or to both Midnapore and Nadia? If so, the names of the persons belonging to the Nadia district may be mentioned.

Mr. ABDUL KARIM: I have already stated the names of the owners of the estates. They have got estates in Midnapore. I do not know whether they belong to the Midnapore district or not.

Mr. MUHAMMAD HABIBULLAH CHAUDHURY: Is the Hon'ble Minister aware that bulk of the work of reconnaissance, plantation and nursery are being done by Rangers and they are being shut out by the department from promotion.

Mr. SPEAKER: I do not allow that question.

I.N.A. prisoners in Bengal.

***234. Mr. NARENDRA SINGH SINGHI:** (*a*) Will the Hon'ble Minister in charge of the Home (Jails) Department be pleased to state—

(*i*) whether any member of the Indian National Army or any person connected with the activities of the Indian National Army, convicted by Court Martial or under the Enemy Agents Ordinance, has been committed to the Jail custody of the Bengal Government and is being kept in jails within the Province; and

(*ii*) whether the Government of India has referred the question of the release of such persons to the Bengal Government for their opinion?

(*b*) If the answer to (*a*)(*ii*) be in the affirmative, will the Hon'ble Minister be pleased to state the purport of the opinion, if any, that they have expressed in the matter of the release of such persons?

(c) If the answer to (a)(ii) be in the negative, is the Hon'ble Minister considering the desirability of moving the Defence Department of the Government of India, and other authorities directly concerned for the release of such persons?

Mr. HAMIDUDDIN AHMED (on behalf of the Hon'ble Mr. FAZLUR RAHMAN): (a) (i) No.

(ii), (b) and (c) Do not arise.

Mr. MUHAMMAD HABIBULLAH CHAUDHURY: Will the Hon'ble Minister be pleased to state whether any of the I.N.A. prisoners were ever kept in Bengal jail?

Mr. HAMIDUDDIN AHMED: Yes.

Mr. MUHAMMAD HABIBULLAH CHAUDHURY: Will the Hon'ble Minister be pleased to give their names and when they were released or transferred?

Mr. HAMIDUDDIN AHMED: Pabitra Mohan Roy, Niranjan Singh Gill, Haridas Mitra and Jyotish Basu; and they were released on 12th December, 1946.

Muslim under-trial prisoners of recent rioting cases of Noakhali.

***235. Mr. MAJIBUR RAHMAN:** Will the Hon'ble Minister in charge of the Home (Jails) Department be pleased to state—

(a) how many Muslim under-trials of recent rioting cases of Noakhali were medically examined for injuries on their persons—

(i) by the medical officer of Noakhali Sub-Jail (now District Jail), and

(ii) by the medical officer of Comilla Jail;

(b) how many complaints were submitted by the Muslim under-trials of the recent rioting cases of Noakhali against police and military for maltreatment and assault through the jailor of—

(i) Noakhali, and

(ii) Comilla;

(c) what action had been taken on these complaints; and

(d) the number of direct cases filed in Noakhali Court by Muslims against police and military and the results thereof?

Mr. HAMIDUDDIN AHMED (on behalf of the Hon'ble Mr. FAZLUR RAHMAN): (a) (i) One hundred and thirty-eight.

(ii) Twenty-six.

(b)(i) One hundred and thirteen.

(ii) Twenty-seven.

(c) Of the 113 petitions received from the Noakhali Jail, 56 were dismissed under section 203, Cr. P. C. Eleven petitions were treated as miscellaneous petitions and were filed after enquiry. In two cases the accused have been summoned and 44 petitions are pending.

Of the 27 petitions received from the Comilla Jail, 8 were filed after enquiry and the remaining 19 are pending enquiry.

(d) Forty-one. Twenty of these cases were dismissed under section 203, Cr. P. C. In two cases the accused have been summoned, and the remaining 19 cases are pending enquiry.

Mr. MIRZA ABDUL HAFIZ: Will the Hon'ble Minister be pleased to state whether it is a fact that the officers who made enquiries into both Noakhali and Tippera affairs were non-Muslims?

Mr. HAMIDUDDIN AHMED: I want notice.

Maulvi MAJIBUR RAHMAN : Is the Hon'ble Minister aware that the injuries found on the persons of undertrial prisoners are alleged to have been inflicted by the Hindu police and military after arrest?

Mr. HAMIDUDDIN AHMED: I have nothing further to add.

Maulvi MAJIBUR RAHMAN : Is the Hon'ble Minister aware that injuries were found on the persons of many prisoners?

Mr. HAMIDUDDIN AHMED : Yes. Some were injured and a due enquiry was made.

Mr. MUHAMMAD HABIBULLAH CHAUDHURY: Will the Hon'ble Minister be pleased to state when the notice for this question was given and when the Hon'ble Minister received reply from this office?

Mr. HAMIDUDDIN AHMED: Report was received by Government on 1st April 1947 and Government asked for report on 21st March 1947.

Mr. MUHAMMAD HABIBULLAH CHAUDHURY: Will the Hon'ble Minister be pleased to state how many persons were actually convicted for assaulting the under-trial prisoners?

Mr. HAMIDUDDIN AHMED: Cases have not yet been tried.

Mr. A. T. MAZHARUL HAQUE: Is it a fact that the medical officer who examined these injuries found that most of the injuries were caused by the handles of guns and barrels of guns?

Mr. HAMIDUDDIN AHMED : That is a matter of detail.

MAULVI MAJIBAR RAHMAN: Is Government aware whether there was any test identification parade before some of the cases were dismissed?

Mr. HAMIDUDDIN AHMED: I want notice.

Mr. MUHAMMAD HABIBULLAH CHAUDHURY: Will the Hon'ble Minister be pleased to state in how many of these cases doctors reported that the injuries were serious?

Mr. HAMIDUDDIN AHMED: I want notice.

MAULVI MAJIBAR RAHMAN: Will the Hon'ble Minister please inform the House how long will it take to enquire into most of the cases?

Mr. HAMIDUDDIN AHMED: The enquiry is being expedited, but I cannot give the actual time when all the reports will be available to Government.

Mr. A. T. MAZHARUL HAQUE: With reference to answer (c), namely, "56 were dismissed under section 203, Cr.P.C.", will the Hon'ble Minister be pleased to state whether those cases were dismissed after or without enquiry?

Mr. HAMIDUDDIN AHMED: After enquiry.

Mr. MUHAMMAD HABIBULLAH CHAUDHURY: Will the Hon'ble Minister be pleased to state how many police officers or jail warders have been suspended for assaulting under-trial prisoners?

Mr. SPEAKER: That question does not arise.

Hunger-strike by under-trial prisoners in Krishnagar Jail.

*236. **Mr. NISHITHA NATH KUNDU:** (*a*) Will the Hon'ble Minister in charge of the Home (Jails) Department be pleased to state whether it is a fact—

(*i*) that the following under-trial prisoners are on hunger-strike in the Krishnagar Jail for more than a week, viz.:—

(1) Shree Haridas De,

(2) Shree Kanai Pal,

(3) Dr. Purna Pramanick, and

(4) Shree Jaladhar Sen; and

(*ii*) that their conditions have become very much alarming?

(*b*) If the answer to (*a*) is in the affirmative, will the Hon'ble Minister be pleased to state—

(*i*) what is the reason or reasons for their taking recourse to hunger-strike;

(*ii*) whether they were forced to observe *Sarkar Salam* Parade;

(*iii*) whether they have been classified, and if not, why not;

(*iv*) whether another batch of prisoners have given notice to the jail authorities for taking recourse to sympathetic hunger-strike; and

(*v*) whether the prisoners are being ill-treated?

(*c*) Will the Hon'ble Minister be pleased to state—

(*i*) whether any bail petitions were moved for the abovenamed prisoners and refused;

(*ii*) why the above prisoners have been arrested and when arrested; and

(*iii*) whether any enquiry has been made regarding the grievances of the abovenamed prisoners?

Mr. HAMIDUDDIN AHMED (on behalf of the Hon'ble Mr. FAZLUR RAHMAN): (*a*) (*i*) No. They started hunger-strike with effect from 1st February, 1947. By the afternoon of 8th February, 1947, all of them gave it up one after another.

(*ii*) No.

(*b*) (*i*) As a protest against classification as Division II under-trials. Under-trial prisoner Kanai Pal complained of maltreatment in addition.

(*ii*) No.

(*iii*) Yes. Under-trial prisoner Mr. Jaladhar Sen was released on bail on 18th February, 1947.

(*iv*) Yes.

(*v*) No.

(*c*) (*i*) Yes, except in the case of under-trial prisoner Mr. Jaladhar Sen.

(*ii*) They were arrested in connection with the Santipur disturbances. Mr. Haridas Dey was arrested on 30th October, 1946, Mr. Kanai Pal on 17th November, 1946, Dr. Purna Chandra Pramanick on 8th January, 1947, and Mr. Jaladhar Sen on 3rd January, 1947.

(*iii*) Yes.

Mr. MUHAMMAD HABIBULLAH CHAUDHURY: Will the Hon'ble Minister be pleased to state what does he mean by "Santipur disturbances"? What are the specific charges against these persons?

Mr. HAMIDUDDIN AHMED: There were communal disturbances in Santipur.

Mr. MIRZA ABDUL HAFIZ: Will the Hon'ble Minister be pleased to state whether any of these men was interned or arrested before on any ground and, if so, when and why?

Mr. HAMIDUDDIN AHMED: I submit, Sir, that question does not arise.

Mr. NISHITHA NATH KUNDU: With reference to answer (*b*) (*iii*), regarding classification, will the Hon'ble Minister be pleased to state the date on which these prisoners were classified as Division I prisoners?

Mr. HAMIDUDDIN AHMED: I want notice.

Mr. NISHITHA NATH KUNDU: Will the Hon'ble Minister be pleased to give us the result of the enquiry and also the name of the enquiring officer?

Mr. HAMIDUDDIN AHMED: The District Magistrate was asked to report and he has made the report.

Mr. NISHITHA NATH KUNDU: Will the Hon'ble Minister be pleased to state what are the results of the enquiry?

Mr. HAMIDUDDIN AHMED: On his report one of the prisoners was given Division II and with regard to some other prisoners on a subsequent report they were classified as Division I prisoners.

Mr. NISHITHA NATH KUNDU: With reference to his answer (*b*) (*i*), will the Hon'ble Minister be pleased to state what was the grievance that was put forward by Shree Kanai Pal regarding maltreatment in jail?

Mr. HAMIDUDDIN AHMED: I have nothing further to add, and there is no record to show that there was a case of maltreatment save and except his complaint.

Mr. MIRZA ABDUL HAFIZ: Will the Hon'ble Minister be pleased to state whether the Shantipur disturbances were of a communal nature?

Mr. HAMIDUDDIN AHMED: Yes, I have stated that it was of a communal nature.

Mr. MUHAMMAD HABIBULLAH CHAUDHURY: Will the Hon'ble Minister be pleased to state how many of those gentlemen went on hunger-strike as a protest against their classification as Division II under-trial prisoners, and whether after the hunger-strike they were given class I?

Mr. HAMIDUDDIN AHMED: Yes, they were given class I.

Mr. NISHITHA NATH KUNDU: Will the Hon'ble Minister be pleased to state whether charge sheets have been submitted against all the accused?

Mr. HAMIDUDDIN AHMED: I want notice.

Bihar refugees in Bengal.

*237. **Mr. BANKU BEHARI MANDAL:** Will the Hon'ble Minister in charge of the Relief Department be pleased to state—

(*a*) the total number of Bihar refugees who have come to Bengal;

(*b*) the names of the camps with approximate number of refugees therein;

(*c*) whether they are still coming to Bengal;

(*d*) if so, what is the approximate number per day;

(*e*) what amount Government has spent up to date on their relief account; and

(*f*) what is the daily expenditure?

Mr. MASIHUDDIN AHMED (on behalf of the Hon'ble Mr. A. F. M. ABDUR RAHMAN): (*a*) 93,342 roughly.

(*b*) A statement furnishing the information is laid on the Table.

(*c*) and (*d*) The influx has practically stopped.

(*e*) Collection of the information will take time. Government have, however, sanctioned up till 20th February, 1947, a sum of Rs. 23,20,000 for cost of maintenance, water-supply, etc. In addition to this, accessory foodstuff (excluding milk) and clothing valued Rs. 2,43,000 approximately have been supplied.

(*f*) Rs. 42,000 approximately.

Statement referred to in the reply to clause (b) of starred question No. 237.

District in which the camp is situated.		Location or name of camp.	Number of refugees in the camp.	Number of refugees living elsewhere.
Calcutta	1.	Alipore	1,814	20,000
	2.	Lower Chitpur Road	1,861	
	3.	Balai Dutta Street	1,148	
	4.	Mirzapore Street	1,272	
	5.	Linton Street	1,240	
	6.	Barrackpore Trunk Road	892	
	7.	Nikashipara	912	
	8.	Prinsep Street	427	
	9.	Raja Dinendra Street	626	
	10.	Belgachia	657	
	11.	Marcus Square	643	
	12.	Santoshpur	594	
	13.	Hastings	235	
	14.	Bal Mukund Machar Road	1,000	
Hooghly	1.	Pandua	1,985	7,724
	2.	Bandel	291	
Dinajpur	1.	B. R. Camp	6,050	
Bankura	1.	Vishnupur	3,696	
Burdwan	1.	Kendulia	5,551	
	2.	Madhaiganj	3,221	
	3.	Moira	3,222	
	4.	Nangha	344	
	5.	Chanda	1,548	
	6.	Bogra	1,374	
	7.	Nimdanga	1,214	
	8.	Sripur	938	
	9.	Nawabnagar	5,000	
	10.	Kashipur	3,000	
	11.	Shalkuni	2,000	
Howrah	1.	Foreshore Road	2,289	
Midnapore	1.	Salboni	4,900	
	2.	Ditto	2,700	
	3.	Digri	1,000	
Nadia		.....		14
Murshidabad		.....		773
Jalpaiguri		.....		75
Birbhum		.....		339
Rajshahi		.....		373
Khulna		.....		400

Mr. MIRZA ABDUL HAFIZ: Is the Hon'ble Minister aware of the fact that this amount of Rs. 42,000 was quite inadequate and insufficient to meet even the bare necessities in respect of foodstuffs only for 93,342 Bihar refugees?

Mr. MASIHUDDIN AHMED: Government do not think it to be so.

Mr. MUHAMMAD HABIBULLAH CHAUDHURY: Will the Hon'ble Minister be pleased to state whether the Government of Bengal is going to realise the money that has been spent for the Bihar refugees from the Bihar Government?

Mr. MASIHUDDIN AHMED: The matter is under negotiation with the Bihar Government.

Mr. MUHAMMAD HABIBULLAH CHAUDHURY: Will the Hon'ble Minister be pleased to state whether as a result of the talk between the Chief Minister and Dr. Syed Mahmud there is any chance of the Bengal Government getting this amount from the Bihar Government?

Mr. MASIHUDDIN AHMED: I am not in a position to say anything.

Mr. KHAGENDRA NATH DAS GUPTA: Will the Hon'ble Minister be pleased to state whether there are still camps for Bihar refugees?

Mr. MASIHUDDIN AHMED: Yes, the camps are scattered throughout Bengal—in North Bengal and West Bengal.

Mr. NISHITHA NATH KUNDU: Will the Hon'ble Minister be pleased to state whether the Bengal Government will appeal to the Bihar Government to pay back the money which the Bengal Government has spent for the maintenance and upkeep of the Bihar refugees?

Mr. MASIHUDDIN AHMED: Certainly.

Mr. MIRZA ABDUL HAFIZ: Will the Hon'ble Minister be pleased to state whether any census has been taken of the able-bodied persons amongst the Bihar refugees?

Mr. MASIHUDDIN AHMED: Yes, that has been done.

Mr. MIRZA ABDUL HAFIZ: Will the Hon'ble Minister be pleased to state whether any provision has been made or jobs secured for those able-bodied persons?

Mr. MASIHUDDIN AHMED: No.

Mr. NISHITHA NATH KUNDU: Will the Hon'ble Minister be pleased to state whether Government is thinking of recouping this sum from any other source in case the Bihar Government refuses to pay the money spent?

Mr. MASIHUDDIN AHMED: No such thing has been in the contemplation of Government yet in that direction.

Mr. KHAGENDRA NATH DAS GUPTA: Will the Hon'ble Minister be pleased to state why, although there is a camp in the district of Rangpur, this has not been mentioned in the statement?

Mr. MASIHUDDIN AHMED: I do not know if there is a camp in Rangpur. But I have already said that refugee camps are scattered throughout Bengal, and it may be that some private person is running that camp.

Mr. KHAGENDRA NATH DAS GUPTA: Will the Hon'ble Minister be pleased to state whether there is a camp in Saidpur in Rangpur district?

Mr. MASIHUDDIN AHMED: I have nothing further to add.

Mr. NISHITHA NATH KUNDU: Will the Hon'ble Minister be pleased to state if the number of refugees has increased or decreased since the reply to this question was framed?

Mr. MASIHUDDIN AHMED: No. It has neither increased nor decreased: it has remained static.

Mr. NIHARENDU DUTT-MAZUMDAR: With reference to the information furnished in the statement where it is mentioned about the number of refugees living elsewhere under the heading "elsewhere", namely 20,000 in Calcutta and similar other numbers in the districts, will the Hon'ble Minister be pleased to inform the House what is meant by "elsewhere"—whether camps or private houses, and also in what way their number has been ascertained?

Mr. MASIHUDDIN AHMED: Yes, they have been housed in private residences.

Mr. NIHARENDU DUTT-MAZUMDAR: Will the Hon'ble Minister be pleased to state how this number has been ascertained?

Mr. MASIHUDDIN AHMED: Their number has been ascertained in order that they may be supplied with dry doles.

Mr. NIHARENDU DUTT-MAZUMDAR: Will the Hon'ble Minister be pleased to State whether these 20,000 persons alleged to have been living elsewhere have been quartered in private houses by Government?

Mr. MASIHUDDIN AHMED: They have gone there on their own initiative and private persons have given them accommodation.

Mr. NIHARENDU DUTT-MAZUMDAR: Will the Hon'ble Minister be pleased to state whether he has satisfied himself that this figure of 20,000 persons living in unspecified places under the heading "elsewhere" was not a device in order to fork out money under false pretences?

Mr. MASIHUDDIN AHMED: No.

Mr. NIHARENDU DUTT-MAZUMDAR: Will the Hon'ble Minister be pleased to state what responsible authority has verified the correctness of the figure given under the unspecified head of "elsewhere"?

Mr. MASIHUDDIN AHMED: The officers of the department have personally inspected those houses and they have prepared muster rolls themselves.

Mr. NIHARENDU DUTT-MAZUMDAR: Will the Hon'ble Minister be pleased to state in how many places are these 20,000 people living?

Mr. MASIHUDDIN AHMED: That I cannot say off hand.

Mr. NIHARENDU DUTT-MAZUMDAR: Will the Hon'ble Minister be pleased to state if the officers of the department who have prepared the muster rolls for the Hon'ble Minister have also prepared an abstract of the names of those places over which these refugees have been distributed as also the number of refugees in each place?

Mr. MASIHUDDIN AHMED: That goes without saying.

Mr. NIHARENDU DUTT-MAZUMDAR: Then, will the Hon'ble Minister be pleased to state in how many places these people are distributed?

Mr. MASIHUDDIN AHMED: For details I want notice.

Mr. SURESH CHANDRA DAS GUPTA: মাননীয় মন্ত্রীমহাশয়, অনুগ্রহ করে বলবেন কি বিহার refugeeদের মধ্যে যারা কর্ম্মক্ষম, তাদের জন্য যে ৪২ হাজার টাকা প্রত্যহ খরচ হয় তা আদায় করবার জন্য তাদের কোন কাজ করান হয় কিনা?

Mr. MASIHUDDIN AHMED: Just as the refugees of Noakhali were sheltered in Assam and in the Tripura State and the authorities there tried to realise the expenditure incurred by them, so the Bengal Government is trying to realise the money spent, from the Bihar Government.

Mr. SURESH CHANDRA DAS GUPTA: মাননীয় মন্ত্রীমহাশয়এর কাছে আসামের প্রশ্ন জিজ্ঞাসা করা হয় নাই। তাদের দ্বারা কোন কাজ করান হয় কিনা সেটাই আমি জানতে চাই।

Mr. MASIHUDDIN AHMED: কেন, আসামের কথা ভাল লাগছে না?

Mr. MUHAMMAD HABIBULLAH CHAUDHURY: Will the Hon'ble Minister be pleased to state if any serious attempt has been made by the Bihar Government up till now to take these people back home?

Mr. MASIHUDDIN AHMED: Not to our knowledge up till now.

Mr. BADIUZZAMAN MUHAMMAD ILIAS: Will the Hon'ble Minister be pleased to state if Government is ready to accommodate more refugees from Bihar, if at all, after the partition is effected?

Mr. SPEAKER: That is a hypothetical question.

Mr. MUHAMMAD HABIBULLAH CHAUDHURY: Will the Hon'ble Minister be pleased to state whether the Government of Bengal are trying to give employment to these refugees?

Mr. MASIHUDDIN AHMED: I have already answered that it cannot be done until the attitude of the Bihar Government is clearly known to us.

Mr. NIHARENDU DUTT-MAZUMDAR: In view of the fact that about 40,000 people are living in places specified as "elsewhere" and receiving payments from Government, will the Hon'ble Minister be pleased to state who certifies those payments?

Mr. SPEAKER: The reply was "Officers of Government".

Mr. NIHARENDU DUTT-MAZUMDAR: He said that the officers of Government prepared the muster rolls and I ask which officers certify payments to these refugees?

Mr. MASIHUDDIN AHMED: Those very officers who prepared the muster rolls.

Mr. NIHARENDU DUTT-MAZUMDAR: Will the Hon'ble Minister be pleased to state the designation of those officers who are entrusted with this task?

Mr. MASIHUDDIN AHMED: They are called "Relief Officers".

Mr. MIRZA ABDUL HAFIZ: Will the Hon'ble Minister consider the desirability of utilising the manpower of these Bihar refugees by starting agricultural farms, cottage industries, test relief work, etc.?

Mr. MASIHUDDIN AHMED: Until the attitude of the Bihar Government is fully known, the Bengal Government cannot take any initiative.

Mr. NIHARENDU DUTT-MAZUMDAR: Will the Hon'ble Minister be pleased to state whether a proper acquittance roll is maintained by the Government in connection with the payments made to Bihar refugees living "elsewhere"?

Mr. MASIHUDDIN AHMED: I have nothing further to add.

Mr. NIHARENDU DUTT-MAZUMDAR: Will the Hon'ble Minister be pleased to state whether any proper acquittance roll is maintained by Government on this account?

Mr. MASIHUDDIN AHMED: I have nothing further to add.

Mr. NIHARENDU DUTT-MAZUMDAR: Will the Hon'ble Minister be pleased to state if he is aware as to whether any payment roll is kept about the payments made to each individual?

Mr. SPEAKER : The reply was: muster rolls are kept and payments are also looked into by the officers of the Department.

Mr. NIHARENDU DUTT-MAZUMDAR: Sir, the position is like this: on the rolls names may have been entered, but there may be men who have left and are not there. So the actual certificate of payment is necessary.

Mr. SPEAKER: The answer was: that is done by the officers because they look to the actual payments.

Mr. NIHARENDU DUTT-MAZUMDAR: Sir, the Hon'ble Minister did not reply to this question which I put to him, as to who certifies the payment to the people on the muster roll.

Mr. SPEAKER: The reply was: by the Relief Officers of the Department.

Mr. NIHARENDU DUTT-MAZUMDAR : No, Sir.

Mr. SPEAKER: Yes, that was the reply.

Mr. NIHARENDU DUTT-MAZUMDAR : The Hon'ble Minister replied: I had nothing further to add. To that I asked another question: whether the Hon'ble Minister is aware if any certificate of payment or any proper roll for payment is maintained?

Mr. MASIHUDDIN AHMED: Surely.

Mr. MIRZA ABDUL HAFIZ: In view of the fact that the Bihar Government has not informed anything to the Government of Bengal, will the Hon'ble Minister be pleased to state whether the Bihar Government has been requested by this Government on that point?

Mr. SPEAKER: Yes, yes. It has been replied that they have made the necessary reference.

Mr. NISHITHA NATH KUNDU: In view of the answer that this Government is not trying to find any avocation for them, will the Hon'ble Minister be pleased to state, how long do they propose to continue the gratuitous relief? Is it for an indefinite period, or any time-limit has been fixed?

Mr. MASIHUDDIN AHMED: That solution rests with the Bihar Government and not with the Bengal Government. They are primarily responsible.

Mr. NIHARENDU DUTT-MAZUMDAR: Will the Hon'ble Minister be pleased to state whether payment is made individually, or to any sub-agent of Government or an agent of any organisation?

Mr. MASIHUDDIN AHMED : I have already answered that no payment is made. Only dry doles are given to those who remain elsewhere outside the camp.

Mr. MIRZA ABDUL HAFIZ : Will the Hon'ble Minister be pleased to state if the Congress Government of Assam has been requested by the Government of Bengal to accommodate some of the refugees from the Congress Government of Bihar?

Mr. MASIHUDDIN AHMED: No.

Mr. NIHARENDU DUTT-MAZUMDAR: Will the Hon'ble Minister be pleased to state whether dry doles which are issued are paid individually, or to agents of an organisation, or sub-agents of Government?

Mr. MASIHUDDIN AHMED: To the heads of the family.

Mr. HARIPADA CHATTERJEE: Will the Hon'ble Minister be pleased to state how long this policy of giving relief to the refugees will continue? Whether their policy is as in the case of Noakhali refugees that if they do not go back to their respective places, relief will be stopped?

Mr. SPEAKER: Noakhali refugees do not come within the purview of this question.

Mr. HARIPADA CHATTERJEE: I am asking categorically and he is not giving a direct answer. How this policy of giving relief will be carried on? Whether the Government of Bengal is going to put pressure on the Bihar Government, as in the case of Noakhali they announced that if the refugees do not go back to their homes, relief ration will be stopped?

Mr. SPEAKER: The question was whether the Government of Bengal is going to put pressure on the Government of Bihar with regard to the refugees in this Province.

Mr. MASIHUDDIN AHMED: I have already answered that the matter is under consideration between this Government and the Government of Bihar

Mr. NIHARENDU DUTT-MAZUMDAR: Will the Hon'ble Minister be pleased to state if they contemplate to organise an invasion of Bihar in order to compel them to take back the refugees?

Mr. MASIHUDDIN AHMED: My answer is emphatically no.

Compensatory house rent allowance.

*238. **Mr. DHANANJOY ROY:** (*a*) Will the Hon'ble Minister in charge of the Chief Minister's (Establishment) Department be pleased to lay on the Table a copy of the Government orders with latest amendments thereto regarding payment of compensatory house rent allowance to certain classes of Government servants?

(*b*) Is it a fact that widowers without any dependent children and bachelors have been excluded from the benefit accruing from the said orders?

(*c*) If so, will the Hon'ble Minister be pleased to state the reasons thereof?

(*d*) Do the Government propose to extend the benefit to all without making any invidious distinctions between Government servants?

Mr. S. A. SALIM (on behalf of the Hon'ble Mr. H. S. SUHRAWARDY): (*a*) Copies of all the relevant orders on the subject are laid on the Library Table.

(*b*) Yes, so far as "superior" Government servants are concerned.

(*c*) Widowers without any dependent children and bachelors have, generally speaking, fewer liabilities as compared with married people with children. They may live in messes or boarding houses. When they choose to live in houses or flats, they, having fewer liabilities, can afford to spend more on house rent. Having fewer liabilities, they do not require the same degree of relief as married men with children.

(*d*) Government do not propose to extend the benefit of compensatory house rent allowance to such Government servants as are ineligible for such allowance in terms of the existing orders.

After the answer was printed, Government received a representation from the persons concerned, and the whole matter is now under examination of Government.

Mr. SURESH CHANDRA DAS GUPTA: মাননীয় মন্ত্রীমহাশয়, অনুগ্রহ করে বলবেন কি তিনি উত্তরে যে বলেছেন যারা বিবাহ করে নাই তাদের খরচপত্র কম এবং কোন দায় নাই, কিন্তু বাংলাদেশে হিন্দু এবং মুসলমান যৌথ পরিবারে বাস করে সুতরাং মা তাদের একটি দায়, বোন তাদের একটি দায়, ভাই তাদের একটি দায় এই কথা তিনি চিন্তা করেছেন কি?

Mr. S. A. SALIM: I have already stated that the whole question is under the consideration of Government.

Mr. MIRZA ABDUL HAFIZ: Will the Hon'ble Minister be pleased to state what amount is generally paid under this item annually from the provincial exchequer?

Mr. S. A. SALIM: I want notice.

Mr. MIRZA ABDUL HAFIZ: Will the Hon'ble Minister be pleased to state on what basis and at what rate compensatory house rent allowances are generally paid?

Mr. S. A. SALIM: On the basis of 10 per cent of the pay of the incumbent.

Strength of the staff of the Directorate of Rationing according to communities.

***239. Mr. MD. ABDUL HAKIM VIKRAMPURI:** Will the Hon'ble Minister in charge of the Civil Supplies Department be pleased to state the present number of (*a*) Muslims, (*b*) Hindus, (*c*) Scheduled Castes, (*d*) Europeans, (*e*) Anglo-Indians, (*f*) Budhists, and (*g*) persons, if any, of other communities in all grades of posts in the Calcutta Rationing Department?

Mr. ESKANDER ALI KHAN (on behalf of the Hon'ble Mr. ABDUL GOFRAN): A statement is laid on the Table.

Statement referred to in reply to starred question No. 239.

STATEMENT OF EMPLOYMENT IN THE DIRECTORATE OF RATIONING ACCORDING TO COMMUNITIES.

Serial No.	Categories.	Sanctioned strength.	Muslim.	Caste Hindu.	Scheduled Caste.	European.
1	Gazetted Officers ..	122	42	59	4	4
2	Clerks and non-gazetted staff.	8,188	3,424	3,754	658	..
3	Menials ..	3,935	1,390	1,769	681	..
	Total ..	12,245	4,956	5,582	1,343	4

Serial No.	Categories.	Anglo-Indian.	Buddhist.	Parsee.	Armenian.	Others—mainly Indian Christian and some Brahmos.	Vacant.
1	Gazetted Officers ..	1	..	1	..	4	7
2	Clerks and non-gazetted staff.	5	5	..	2	41	199
3	Menials ..	..	..	..	..	4	91
	Total ..	6	5	1	2	49	297

Mr. BADIUZZAMAN MUHAMMAD ILIAS : Will the Hon'ble Minister be pleased to state why communal ratio has not been maintained here?

Mr. ESKANDAR ALI KHAN: It is said that during war times suitable Muslim candidates were not available.

Mr. BADIUZZAMAN MUHAMMAD ILIAS : Does the Government propose to attain communal ratio after the Civil Supplies Department is abolished?

Mr. ESKANDER ALI KHAN: I have already replied.

Mr. BADIUZZAMAN MUHAMMAD ILIAS : Will the Hon'ble Minister be pleased to state if he proposes to fill future appointments by Muslim and Scheduled Caste candidates only until parity is reached?

Mr. ESKANDER ALI KHAN: No.

Mr. BADIUZZAMAN MUHAMMAD ILIAS : Will the Hon'ble Minister be pleased to state if he is aware that already retrenchment of officers is being done in this Department?

Mr. ESKANDER ALI KHAN: Yes, that is being done.

(The Parliamentary Secretary replying on behalf of the Hon'ble Mr. Abdul Gofran, was replying sitting.)

Mr. SPEAKER: Will you please rise in your seat when you reply?

Mr. MIRZA ABDUL HAFIZ: In view of the fact that Muslims total 4,956 out of 12,245, the number of Muslims falling short by 2,100 according to communal ratio rules, and in view of the fact that there are 297 vacancies, does this Government consider the desirability of filling all the vacancies by Muslims only?

Mr. ESKANDER ALI KHAN : Yes, 80 per cent. of the vacancies will be filled by Muslims.

Mr. MAJIBUR RAHMAN: Will the Hon'ble Minister be pleased to give the number of Muslim officers and Hindu officers showing the difference between them in April 1946 when this Ministry took office?

Mr. ESKANDER ALI KHAN : I am sorry the papers are not before me. So far as present figures are concerned it is up to 1st September 1946.

Mr. MUHAMMAD HABIBULLAH CHAUDHURY: Arising out of the statement, which we are very much in the habit of getting from the Government, that suitable Muslims are not available, are we to understand that even suitable Muslim menials are not available to fill up such vacancies?

Mr. ESKANDER ALI KHAN: I have replied that it is said that during war times this was so.

Mr. BADIUZZAMAN MUHAMMAD ILIAS: Will the Hon'ble Minister be pleased to state if Muslim officers are being retrenched in the Civil Supplies Department?

Mr. ESKANDER ALI KHAN: I am not aware.

Mr. BADIUZZAMAN MUHAMMAD ILIAS: Will the Hon'ble Minister be pleased to enquire into the matter?

Mr. ESKANDER ALI KHAN: Yes.

Postponement of the election of the Mymensingh District Board.

***240. Mr. MD. ISRAIL:** (*a*) Will the Hon'ble Minister in charge of the Local Self-Government Department be pleased to state whether it is a fact that the District Board election, Mymensingh, scheduled to take place in March, 1947, has been postponed?

(*b*) If so, will the Hon'ble Minister be pleased to state the reasons thereof?

(*c*) Is the Hon'ble Minister aware of the inconveniences caused to the candidates and voters due to this order of postponement?

(*d*) Is the Government aware of the fact that sowing season and harvesting of *boro* paddy will be in full swing on the dates to which the election has been postponed?

(*e*) If the answer to (*d*) be in the affirmative, did Government take those factors into consideration before ordering postponement?

(*f*) Did Government consult the District Magistrate of Mymensingh before passing the order of postponement?

(*g*) If the answer to (*f*) be in the affirmative, will the Hon'ble Minister be pleased to state the advice rendered by the District Magistrate in the matter?

(*h*) Do Government contemplate any further postponement?

Mr. S. A. SALIM (on behalf of the Hon'ble Mr. MOHAMMED ALI): (*a*) Yes.

(*b*) A copy of Government order No. L S.-G.287/47/IE-(26), dated the 18th February, 1947, containing the reasons is laid on the Table.

(*c*) Yes. This is regretted.

(*d*) and (*e*) Yes: This is not regarded as a serious objection to holding of elections in the middle of May, 1947.

(*f*) No.

(*g*) None was tendered by the District Magistrate.

(*h*) Yes: On account of the adjournment of the Bengal Legislative Assembly to April the 18th, 1947.

Government order referred to in reply to clause (b) of starred question No. 240.

GOVERNMENT OF BENGAL.

Deparment of Health and Local Self-Government.

Local Self-Government Branch.

MEMORANDUM.

No. L.S.-G.287/47/1E-(26).

Calcutta, the 18th February, 1947.

1. It has been represented to Government that members of the Provincial Legislature interested in District Board elections are seriously inconvenienced if the proceedings relating to such elections take place during the sessions of the Legislature. Government feel that there is considerable force in this representation and they consider that, except where such a course is precluded by law or where the necessity of having to prepare a fresh electoral roll arises, the election proceedings, starting from the filing of nominations to the holding of the poll, should be so arranged as not to synchronise with the sessions of the Provincial Legislature. It is presumed that the dates of these sessions are known to District Officers sufficiently in advance, but, if not, they may be ascertained by a reference to Government.

2. As regards District Board elections scheduled to take place during the current session of the Legislature which is likely to continue up to the middle of April next, Government desire that the proceedings relating to these elections should now be postponed until after April 15th, so as not to coincide with the dates of sittings of the Legislature, provided this is not precluded by law and does not necessitate revision and reprinting of electoral rolls. The undersigned is accordingly directed to request that immediate steps may be taken to postpone such election, if any, in your district and that the principle mentioned in paragraph 1 of this memorandum may be borne in mind in fixing the dates of District Board elections in future.

R. A. S. STRACEY,
Deputy Secretary to the Government of Bengal.

Mr. MUHAMMAD ISRAIL: Will the Hon'ble Minister be pleased to state the names of the members who have asked the Government to postpone the election and if those members hail from Mymensingh?

Mr. S. A. SALIM: Most of the members hail from Mymensingh. I want notice so far as the names are concerned.

Mr. MUHAMMAD ISRAIL: Will the Hon'ble Minister be pleased to state the time when the members approached the Government for the postponment of the election?

Mr. S. A. SALIM: It was about the end of last month.

Mr. MUHAMMAD ISRAIL: Will the Hon'ble Minister be pleased to state whether it was in a written petition or they orally approached the Hon'ble Minister or the Parliamentary Secretary?

Mr. S. A. SALIM: As far as my information goes, it was by a written petition.

Mr. MUHAMMAD ISRAIL: Will the Hon'ble Minister be pleased to state the number of members who signed that petition?

Mr. S. A. SALIM: I think, about 3 or 4.

Mr. MUHAMMAD ISRAIL: Will the Hon'ble Minister be pleased to state from which subdivision the members hailed?

Mr. S. A. SALIM: I have nothing further to add.

Mr. MUHAMMAD ISRAIL: Will the Hon'ble Minister be pleased to state whether the election has been postponed to a date on which the Assembly is in session?

Mr. S. A. SALIM: It was first thought that the Assembly will continue till about the middle of April.

Mr. BIMAL CHANDRA SINHA: Will the Hon'ble Minister be pleased to state what is the objection to holding the elections while the Assembly is in session?

Mr. S. A. SALIM: Because most of the members are interested and they are candidates in the election of a district board.

Mr. BIMAL CHANDRA SINHA: Will the Hon'ble Minister be pleased to state if it is the policy of the Government not to hold district board elections while the Assembly is in session?

Mr. S. A. SALIM: It was done at the request of the members of the Legislative Assembly.

Mr. BIMAL CHANDRA SINHA: Will the Hon'ble Minister be pleased to state if it is a fact that elections are being held in districts besides Mymensingh though similar objections have been raised?

Mr. S. A. SALIM: Where no objections are raised, elections are being held.

Mr. MUHAMMAD ISRAIL: Will the Hon'ble Minister be pleased to state whether it is a fact that many members—more than 3 or 4—approached the Hon'ble Minister for not postponing the election?

Mr. S. A. SALIM: As far as my knowledge goes, yes.

Mr. MUHAMMAD HABIBULLAH CHAUDHURY: Will the Hon'ble Minister be pleased to state who is primarily responsible for postponing the election—the District Magistrate or the Government?

Mr. SPEAKER: The written answer is clear—not the District Magistrate.

Mr. MIRZA ABDUL HAFIZ: Will the Hon'ble Minister be pleased to state how many members of the legislature are seeking election in the district board of Mymensingh?

Mr. S. A. SALIM: That I cannot say now.

Mr. AMULYA CHANDRA ADHIKARI: Will the Hon'ble Minister be pleased to state whether he is aware of the fact that this postponement inconvenienced those who were not members of the legislature and who were seeking election?

Mr. S. A. SALIM: There is no such information as far as the Government is concerned.

Mr. MUHAMMAD ISRAIL: Will the Hon'ble Minister be pleased to state whether the order of postponement reached the district of Mymensingh only 4 or 5 days before the actual date of election and the candidates have incurred all the expenses?

Mr. S. A. SALIM: I think so.

Mr. MUHAMMAD ISRAIL: Will the Hon'ble Minister be pleased to state whether Government took that matter into consideration—the inconvenience that would be caused to the candidates who were not members of the legislature?

Mr. S. A. SALIM: A request was made that the election might be postponed and Government passed orders to that effect.

Mr. MUHAMMAD ISRAIL: Will the Hon'ble Minister be pleased to state whether the Government is anxious only for the members of the legislature or for other members of the public also?

Mr. S. A. SALIM: Government only accepted the request of certain members of the legislature. At their request they postponed the election because they represent the public.

Mr. MUHAMMAD ISRAIL: Will the Hon'ble Minister be pleased to state whether before accepting the recommendation of the members of the legislature, they wanted to know the opinion of the public also?

Mr. S. A. SALIM: The opinion of the public is represented by the members of the legislature.

Mr. MUHAMMAD ISRAIL: Will the Hon'ble Minister be pleased to state whether they wanted to know the public opinion through means other than the members of the legislature because they are interested in the game?

Mr. S. A. SALIM: Government think that the members of the legislature practically represent the opinion of the public.

Mr. MUHAMMAD RAFIQUE: Will the Hon'ble Minister be pleased to state if the opinion of the majority of the members of the legislature of that particular district was taken?

Mr. S. A. SALIM: Yes.

Mr. MUHAMMAD HABIBULLAH CHAUDHURY: Will the Hon'ble Minister be pleased to state when the members of several districts, *viz.*, Murshidabad, Tippera and Jessore, applied for postponement of the district board election, why was the election of Mymensingh only postponed?

Mr. S. A. SALIM: As far as the election of Murshidabad was concerned, it was postponed to a certain date. As far as the Jessore election was concerned, that was also postponed to a certain date.

Mr. SPEAKER: Will any member put the question whether the election has been already over in Mymensingh so that the importance of this question may disappear?

Mr. SHARFUDDIN AHMED: Will the Hon'ble Minister be pleased to state if the election of the Mymensingh district board has been already over?

Mr. S. A. SALIM: I think so.

Mr. SURESH CHANDRA DAS GUPTA: মাননীয় মন্ত্রীমহাশয়, অনুগ্রহ করে বলবেন কি Bengal Legislative Assemblyর কোন কোন মেম্বার ময়মনসিংহ জেলা বোর্ড এর electionএ elected হয়েছেন আর কে কে হতে পারেন নাই?

Mr. S. A. SALIM: That information is not with the Government yet.

Tank improvement work in Dinajpur district.

*241. **Mr. HARENDRANATH ROY:** Will the Hon'ble Minister in charge of the Agriculture Department be pleased to state—

(a) whether any tank improvement work under the Tank Improvemnet Act has been taken up in the district of Dinajpur;

(b) if so, how many tanks have been taken up for such purpose in each of the three subdivisions of the district;

(c) whether any more tanks will be taken up for improvement this year, and, if not, why not; and

(d) whether any survey was made of tanks in the district before taking up the work and, if so, the number of tanks so surveyed?

Mr. ABDUL KARIM (on behalf of the Hon'ble Mr. AHMED HOSSAIN:) (a) Yes.

(b) Twenty-two derelict irrigation tanks were taken up for improvement within March, 1947, 12 in Balurghat subdivision and 10 in Sadar subdivision.

(c) There was hardly any time left to take up new projects for completion within 1946-47. Attention was concentrated upon the completion of the projects already taken up.

(d) Yes. The total number of tanks surveyed is 59.

Mr. NISHITHA NATH KUNDU: Will the Hon'ble Minister be pleased to tell us if out of the tanks numbering about 59 there was any tank surveyed within the Thakurgaon subdivision?

Mr. ABDUL KARIM: I am sorry I have not got the names of places of all the tanks that have been surveyed?

Mr. NISHITHA NATH KUNDU: Will the Hon'ble Minister be pleased to tell us if the balance of 39 tanks surveyed will be taken up in future?.

Mr. ABDUL KARIM: I have already said that they are going to be taken up. They have got some conditions. As you all know, the majority of the beneficiaries out of this tank improvement scheme have to agree in advance to pay some water rate. If they agree to pay that water rate, Government will certainly take them up.

Mr. NISHITHA NATH KUNDU: In view of the answer given, will the Hon'ble Minister be pleased to state whether the conditions that were imposed in other parts of the province are the same as those imposed in Dinajpur?

Mr. ABDUL KARIM: I think the conditions are the same if they are under the Bengal Tank Improvement Act of 1939.

Mr. MIRZA ABDUL HAFIZ: Will the Hon'ble Minister be pleased to state if the tank improvement works of Dinapur have been taken up after the survey of tanks of other districts of the province?

Mr. SPEAKER: That question does not arise.

Mr. NISHITHA NATH KUNDU: After I furnish the Hon'ble Minister the information that the conditions regarding privileges to beneficiaries have been curtailed in the case of Dinajpur, will he please take note of it and see that the conditions imposed elsewhere be the same as in Dinajpur?

Mr. S. A. SALIM: Certainly.

Mr. SPEAKER: Starred Question No. 242 is held over.

Statement regarding sitting of the House.

Mr. A. K. GHOSE: Mr. Speaker, as you know I wanted to make a statement on the discussions which we had with the Finance Minister who was then acting as the Minister for Law and Order on the riot situation in Calcutta. But on coming to the House I find that Government has failed to provide the trucks which are sent ordinarily to bring our members who live in the northern quarters of the city. Most of our members who live in that quarter have already left the chamber and the others are not willing to sit after 5-30. They also feel that in the present atmosphere they cannot adequately apply their minds to the important legislative measures that are before the House. In the circumstances I should like to make the following suggestions to you. As many of our members have already left and others are anxious to go away I would like to make the statement tomorrow after the question hour My second suggestion is that I would make this suggestion through you to the Chief Minister to adjourn the House for a few days till the situation in Calcutta somewhat improves. If this is not agreed to, for the time being I would like that the House should not sit beyond 5-30 p.m.

Mr. ABDUS SABUR KHAN: Mr. Speaker, on a point of information. We came to learn yesterday that the Hon'ble Finance Minister made a statement in the Legislative Council that curfew passes were being issued to the members of the Legislative Council. Has any arrangement been made for similar facilities being extended to the members of the Lower House?

Mr. BIMAL COMAR GHOSE: There is a feeling that even if curfew passes are issued members would not like to stay for longer hours because even with curfew permit it may not be safe to move about.

Mr. MAFIZUDDIN AHMED: So far as the adjournment of the House today is concerned, I do not think the House should be adjourned today.

Mr. SPEAKER: Today we are rising at 6.

Mr. NIHARENDU DUTT-MAZUMDAR: Mr. Speaker, it was brought to your notice on the previous day that the trucks have been curtailed.

Mr. MAFIZUDDIN AHMED: I oppose the suggestion that the House should adjourn. My suggestion is that we should sit earlier, say at 3-30, and then we can go on up to 5-30.

Mr. SPEAKER: I shall be guided by the arrangement with the Upper House.

The Hon'ble Mr. FAZLUR RAHMAN: Tomorrow the Council will be sitting up to 3-30 and this House will meet at 4. We will arrange with the Upper House so that they will sit at 1-15 and this House will meet at 3-30 from day after tomorrow.

Mr. A. F. STARK: On this point at the conference with the Finance Minister, he himself agreed that the House would sit from 3-45 to 6-15. It was agreed on the first day of the conference.

Mr. MUNINDRA NATH BHATTACHARJEE: On Friday last I got only five minutes' time. If I were late by five minutes I would have been hauled up under the curfew order.

The Hon'ble Mr. FAZLUR RAHMAN: In any case, so far as tomorrow is concerned the House will sit at 4 o'clock. I will request the Speaker to adjourn the House till 4 o'clock tomorrow. With regard to day after tomorrow we may fix the time after consultation with the various parties.

Mr. SPEAKER: We should sit earlier so that the members may have sufficient time to go back home.

Mr. NIHARENDU DUTT-MAZUMDAR: This point about the truck has not been solved. About conveyance arrangement your attention was drawn to it and the suggestion about 6-15 must have been on the basis that the truck would be provided, but the truck has not been provided. In this situation may you, Sir, either make some arrangement for the truck or see that the House does not sit beyond 5-30, because it is very dangerous for members who have to move through curfew areas.

Mr. SPEAKER: Yes, let us finish today's business.

Mr. BIMAL COMAR CHOSE: As many members have left we won't sit today any more.

GOVERNMENT BILL.

The Bengal Tenancy (Amendment) Bill, 1947, as passed by the Bengal Legislative Council.

The Hon'ble Mr. FAZLUR RAHMAN: Sir, I beg to move that the Bengal Tenancy (Amendment) Bill, 1947, as passed by the Bengal Legislative Council, be taken into consideration.

Mr. BIMAL CHANDRA SINHA: Mr. Speaker, Sir, I think you should have some regard for the suggestion we have made and request the Hon'ble Minister to adjourn the House today. I do not obstruct the passage of the Bill because we are too anxious to give it a safe passage. I can assure you about that but you see there is very great practical difficulty. Members who have given amendments have been compelled to go away and we also will be compelled to go away.

Mr. SPEAKER: That I have heard. Let us utilise the ten minutes for this business.

Mr. BIMAL CHANDRA SINHA: I think, Sir, the amendments cannot be taken up.

Mr. SPEAKER: The first amendment stands in your name.

Mr. BIMAL CHANDRA SINHA: So far as the first amendment is concerned it is in my name but it would be hardly fair on our part to discuss it when all the members have gone away and only some members sit.

Mr. SPEAKER: Let us proceed.

Mr. NIHARENDU DUTT-MAZUMDAR: You might appreciate the gravity of this suggestion.

Mr. SPEAKER: Yes, I have appreciated that, but the question is that the time which honourable members are taking in making this submission they may well utilise in saying a few words with regard to this Bill.

Mr. NIHARENDU DUTT-MAZUMDAR: We would not mind in the least to sit if our truck had not been withdrawn. You know, Sir, Sir Jadunath Sarkar's son was stabbed while alighting from a tram.

Mr. BIMAL CHANDRA SINHA: Sir, if my amendment is to be moved at all, I think it should be moved when all the members of our party are here. The benches are empty. What is the use of discussing the matter now?

Mr. SPEAKER: The benches are expected to be full only at the time of division and not at the time of making speeches. I am not thinking the matter now. So you can please move your amendment.

Mr. NIHARENDU DUTT-MAZUMDAR: Sir, an opportunity may be given to move the amendment next day.

Mr. SPEAKER: There are only two amendments for circulation. It will be sufficient if one is moved because we are not going to take up the Bill clause by clause today. If Mr. Sinha desires to move his amendment he can do so and we can proceed with the rest of the business to-morrow.

Mr. BIMAL CHANDRA SINHA : Sir, I beg to move by way of amendment that the Bill be re-committed to the same Select Committee with instructions to submit their report by the 1st June, 1948, and that the quorum of the Select Committee be fixed at five.

Mr. SPEAKER: I find you are moving your amendment on the Bengal Non-Agricultural Tenancy Bill, 1946, and not on the Bill under discussion.

Mr. BIMAL CHANDRA SINHA: I am sorry, I am extremely sorry, Sir. I do not move it.

Mr. SPEAKER: Mr Rajendra Nath Sarkar's motion is not moved.

Mr. BIMAL CHANDRA SINHA: He has gone away and I would suggest that it may be taken up next day.

Mr. SPEAKER: There is no point in keeping it pending Mr. Sinha, you have a motion for circulation but you did not move it.

Mr. BIMAL CHANDRA SINHA : That was the point I raised and I gave my reasons for not moving it.

Mr. SPEAKER: That does not matter There is another motion.

Mr. NIHARENDU DUTT-MAZUMDAR : I think, Sir, anybody else can move it.

Mr. SPEAKER: There is no objection to anybody else moving the motion

Mr. BENODE CHANDRA CHAKRABORTY: May I with your permission move it?

Mr. SPEAKER: Mr. Chakroborty, you should consult the other members of your party. You should not move the motion merely for the sake of moving it, because Mr. Sinha does not think it worthwhile to move his motion.

Mr. BENODE CHANDRA CHAKRABORTY : Yes, I have done it. I beg to move by way of amendment that the Bengal Tenancy (Amendment) Bill, 1947, as passed by the Bengal Legislative Council, be circulated for the purpose of eliciting opinion thereon by the 30th April, 1947.

Mr. MUHAMMAD ISRAIL : On a point of order, Sir, I do not think he can move an amendment for circulation after the Bill has come from the Select Committee.

Mr. SPEAKER: Mr Israil, you are referring to another Bill. Members are under the impression that the Bengal Non-Agricultural Tenancy Bill, 1946, has been taken up. It is not that. The Bengal Tenancy Bill, 1946, is under discussion.

Is any honourable member speaking on the motion for circulation? (No honourable member rose.) If nobody is going to speak, I shall put the motion to vote.

Mr. BIMAL CHANDRA SINHA: Nobody seems to be serious, Sir.

Mr. SPEAKER: Members ought to realise that we are not playing here. A large sum of public money is spent.

Mr. NIHARENDU DUTT-MAZUMDAR: Sir, members do not even know what Bill is before the House.

Mr. HARIPADA CHATTERJEE: That is the reason why the House should be adjourned.

Mr. SPEAKER: If the House is adjourned the public at large will have an idea that the representatives of the people have run away when the city was ablaze.

Mr. BENODE CHANDRA CHAKRABORTY: Mr. Speaker Sir, এই বিলের circulation করার প্রস্তাব উত্থাপন প্রসঙ্গে আমি দু-একটি কথা বলতে চাই। এই বিলের ধারা সম্পর্কে কতকগুলি পরিবর্তন উত্থাপিত হয়েছে। সেই পরিবর্তন সম্পর্কে জনমত সংগ্রহ করা আবশ্যক। কারণ এই ধারার ভেতর এমন অনেক কিছু রয়েছে যে সম্বন্ধে জনসাধারণ মতামত প্রকাশ করবার কোন সুযোগ পায় নাই। সেই সুযোগ যাতে জনসাধারণ লাভ করতে পারে সে সম্বন্ধেও সুবিধা দেওয়া অবশ্য কর্তব্য। যে কোন বিল উপস্থিত করা না হয় কেন, সে বিল সম্পর্কে জনসাধারণের মতামত সংগ্রহ না করে আমরা যদি কেবল আমাদের মতামত প্রকাশ করি তাহ'লে ঠিক জনসাধারণের স্বার্থ রক্ষা সম্পর্কে আমাদের যে দায়িত্ব রয়েছে তা সম্যকভাবে পালন করা হবে না। এই এসেম্‌বিলীতে পর পর এত বিল উপস্থিত হচ্ছে যে সব বিল সম্বন্ধে জনসাধারণ সম্যক অবগত নন,—এমন কি অনেক মেম্বার পর্যন্ত জানেন না যে কি বিল এখানে উপস্থিত হয়েছে। কাজেই ইহা দ্বারা প্রতীয়মান হচ্ছে যে আমরা যদি এই প্রকার তাড়াতাড়ি হঠকারিতার সঙ্গে এই বিল পাস করি তাহ'লে আমাদের কর্তব্য পালনের হানি হবে। যে বিল সম্পর্কে আলোচনা চলিতেছে Mr. Speaker, আপনিও এখানে বলেছেন, অনেকে জানেন না কি বিল এখানে আজ উপস্থিত করা হয়েছে। সেই জন্য আপনাকে ও বারবার সকলকে সে সম্বন্ধে সজাগ করে দিতে হয়েছে। এবং ইহা বলিলেও অত্যুক্তি হবে না যে আজ বাইরে ও দেশের চতুর্দ্দিকে যে অবস্থার সৃষ্টি হয়েছে সেই অবস্থার মাঝে আমাদের যদি সত্যই কিছু করবার থাকে, তাহ'লে আগে আমাদের মন সুস্থ হওয়া দরকার। অসুস্থ এবং চিন্তান্বিত মন নিয়ে এবং ভারাক্রান্ত হৃদয়ে কোন বিষয়ে আলোচনা করা সম্ভব হয় না, আর সেই আলোচনায় যোগ দিলেও বা বিশেষ কোন প্রয়োজনীয় বিষয় সম্পর্কে মতামত দিতে হইলেও এইরূপ দুর্যোগে আমাদের তাহা সম্ভব হয় না। কাজেই আমি প্রস্তাব করি জনসাধারণকে সম্পূর্ণভাবে এই বিলের ধারাগুলি উপলব্ধি করবার সুযোগ দেওয়ার জন্য ইহা প্রচার করা কর্তব্য।

Adjournment.

The House was then adjourned at 6 p.m. till 3-45 p.m. on Wednesday, the 30th April, 1947, at the Assembly House, Calcutta.

Proceedings of the Bengal Legislative Assembly assembled under the provisions of the Government of India Act, 1935.

The Assembly met in the Assembly House, Calcutta, on Wednesday, the 30th April, 1947, at 3-45 p.m.

Present

Mr. Speaker (the Hon'ble Mr. Nurul Amin) in the Chair, 8 Hon'ble Ministers and 161 members.

HELD OVER STARRED QUESTIONS

(to which oral answers were given)

Improvement of river Ichamati in Pabna.

*214. **Mr. SURES CHANDRA DAS GUPTA:** (*a*) Will the Hon'ble Minister in charge of the Irrigation Department be pleased to state—

(*i*) whether there is any scheme under consideration for excavation and resuscitation of the river Ichamati in the district of Pabna and in the town of Pabna;

(*ii*) if so, at what stage it is at present;

(*iii*) whether a survey regarding the Ichamati river has been undertaken by the Irrigation Department;

(*iv*) if so, when such survey was made; and

(*v*) whether any report has been submitted?

(*b*) If the answer to (*a*)(*v*) is in the affirmative, will the Hon'ble Minister be pleased to lay on the Table a copy of this report?

(*c*) Is the Hon'ble Minister aware—

(*i*) that the health of the district and town of Pabna and of the localities through which the river passes has considerably deteriorated owing to the silting up of this river; and

(*ii*) that this river needs speedy and complete resuscitation?

(*d*) Will the Hon'ble Minister be pleased to state what cost is likely to be incurred in resuscitating the river Ichamati?

MINISTER in charge of the IRRIGATION and WATERWAYS DEPARTMENT (the Hon'ble Mr. Tarak Nath Mukherjea): (*a*) (*i*) Yes.

(*ii*) A rough estimate for the improvement of the river was framed but it was found that no permanent resuscitation would be possible until the water levels in the hinterland could be raised so as to exclude the entry of Ganges water into the *khal*. It was also found that this could be done only by flushing with the water of the Teesta. It has accordingly been decided to wait for the preparation of the comprehensive Teesta Valley scheme.

(*iii*) and (*iv*) No survey of the river has yet been made.

(*v*) No.

(*b*) Does not arise.

(*c*) (*i*) The incidence of malaria in the district increased during the years 1942 to 1944, but there was a considerable decline in the year 1945.

(*ii*) Resuscitation of the river is necessary but for the reasons stated in (*a*) (*ii*) this has to wait till the comprehensive Teesta Valley scheme is prepared.

(*d*) This cannot be stated now.

Mr. SURESH CHANDRA DAS GUPTA: মাননীয় মন্ত্রী মহাশয় অনুগ্রহ করে বলবেন কি যে চিন্তা valley scheme কতদিনে শেষ হবে?

The Hon'ble Mr. TARAK NATH MUKHERJEA: সে সম্বন্ধে বিস্তারিত বিবরণ সত্বর প্রকাশিত হবে।

Mr. SURESH CHANDRA DAS GUPTA: মাননীয় মন্ত্রী মহাশয় অনুগ্রহ করে বলবেন কি এই যে প্রশ্নের উত্তরে আছে ১৯৪২-৪৪ সালে যথেষ্ট পরিমাণে ম্যালেরিয়া বেড়েছে কিন্তু ১৯৪৫ সালে কিছু কম—এটা কি ইছামতি নদী শুকিয়ে যাবার জন্য কম হয়েছে?

The Hon'ble Mr. TARAK NATH MUKHERJEA: এ সম্বন্ধে বিশেষজ্ঞগণের অভিমত

....

Mr. SPEAKER: You should not speak in Bengali.

The Hon'ble Mr. TARAK NATH MUKHERJEA: Sir, I am speaking in Bengali because he has put the question in Bengali. However, my reply is that it is a matter for the experts to give their opinion.

Mr. SURESH CHANDRA DAS GUPTA: তাহলে ১৯৪১-৪৭ সালের ভিতর ম্যালেরিয়া বেড়েছে কি কমেছে এটা একটু ভেবে দেখবেন কি?

The Hon'ble Mr. TARAK NATH MUKHERJEA: I want notice.

Mr. SURESH CHANDRA DAS GUPTA: মাননীয় মন্ত্রী মহাশয় তাহলে চিন্তা করেছেন কি যে ইছামতি নদীর সঙ্গে এই ম্যালেরিয়া বাড়া কমার কোন সম্পর্ক আছে কি না?

The Hon'ble Mr. TARAK NATH MUKHERJEA: The incidence of malaria is a matter which is being considered by the Public Health Department, and if the honourable member wants details I will ask for notice.

Mr. SURESH CHANDRA DAS GUPTA: তাহলে Irrigation Department এর মন্ত্রীমহাশয় যে বল্লেন এই District এ ম্যালেরিয়া কমে গিয়েছে—এই উত্তর তিনি দিলেন কোন্ হিসাবে?

The Hon'ble Mr. TARAK NATH MUKHERJEA: After ascertaining the facts from the Public Health Department.

***215. Mr. MANORANJAN DHAR:** (*a*) Will the Hon'ble Minister in charge of the Irrigation Department be pleased to state whether there is any scheme under consideration of the Government for excavation and resuscitation of the river Ichamati below the town of Pabna?

(*b*) If the answer to clause (*a*) is in the affirmative, will the Hon'ble Minister be pleased to state what steps have so far been taken towards implementing the scheme?

(*c*) Has any survey regarding the river Ichamati been undertaken by the Government?

(*d*) Will the Hon'ble Minister be pleased to lay on the Table a copy of the survey report, if any?

(*e*) Is the Hon'ble Minister aware that the health of the town of Pabna and the localities through which the river Ichamati passes has considerably deteriorated owing to the silting up of the river?

(*f*) Will the Hon'ble Minister be pleased to state what cost is likely to be incurred in resuscitating the river Ichamati?

The Hon'ble Mr. TARAK NATH MUKHERJEA: The honourable member's attention is invited to the reply given to the sarted question No. 214 above.

Re-excavation of Karatoa river in Bogra.

*216. **Mr. SURES CHANDRA DAS GUPTA:** Will the Hon'ble Minister in charge of the Irrigation Department be pleased to state—

(a) whether Government are considering the desirability of re-excavating the Karatoa river of Bogra immediately; and

(b) if so, when the re-excavation will be taken up?

The Hon'ble Mr. TARAK NATH MUKHERJEA: It has been advised that the re-excavation of the Karatoa river in the districts of Rangpur and Bogra as an individual scheme would not be an economic proposition nor can any such improvement be sustained unless the river is fed by the Teesta water. It has, therefore, been decided to take it up along with the Teesta Valley scheme, which is now under investigation.

Mr. SURESH CHANDRA DAS GUPTA : মাননীয় মন্ত্রী মহাশয় অনুগ্রহ করে বলবেন কি যে কিছু দিন পূর্বে রংপুর ও বগুড়া একসঙ্গে মিলে 'করতোয়া' নদী কাটাবার যে ব্যবস্থা হয়েছিল এবং গভর্ণমেন্ট থেকে যে পরীক্ষা করা হয়েছিল তার কি ফল হয়েছে?

The Hon'ble Mr. TARAK NATH MUKHERJEA: As I have already stated, the matter is still under investigation

Mr. SURESH CHANDRA DAS GUPTA: মাননীয় মন্ত্রী মহাশয় বলতে পারেন কি যে কিছুদিন পূর্বের এ সম্বন্ধে যে অনুসন্ধান হয়েছিল এবং তার যে report আছে, সে সম্বন্ধে কিছু বলবেন কি?

Mr. SPEAKER: He said that the question was still under investigation.

Mr. BADIUZZAMAN MUHAMMAD ILIAS: Will the Hon'ble Minister be pleased to state when did the Government come to the conclusion that the Karatoa re-excavation scheme would not be an economic proposition?

The Hon'ble Mr. TARAK NATH MUKHERJEA: As I have already stated, the scheme of re-excavation of the river Karatoa cannot prove successful unless it is fed by water from the Teesta. So Government propose to take a comprehensive scheme which will improve the condition of rivers.

Mr. SPEAKER: The member wants the date when the Government came to the conclusion.

The Hon'ble Mr. TARAK NATH MUKHERJEA: I cannot give the exact date.

Mr. BADIUZZAMAN MUHAMMAD ILIAS: Will the Hon'ble Minister be pleased to state whether it is a fact that the scheme had been adopted and after a large sum of money had been spent on it it was dropped?

The Hon'ble Mr. TARAK NATH MUKHERJEA: I am not aware.

Mr. SURESH CHANDRA DAS GUPTA : On a point of information, Sir : আমার মনে হয় Irrigation মন্ত্রীমহাশয়ের ৭৮ নম্বরের প্রশ্নটা সেদিন held over হয়েছিল।

Mr. SPEAKER: Question No. 78 is unstarred

Resuscitation of the river Titash.

*242. **Mr. DHIRENDRA NATH DATTA:** Will the Hon'ble Minister in charge of the Irrigation Department be pleased to state—

(a) whether it is a fact that the river Titash near the railway station Akhaura within police-station Kasba, subdivision Brahmanbaria, district Tippera, has dried up;

(b) is it a fact that the Government sanctioned certain amount for resuscitating the river;

(*c*) is it a fact that the sanctioned amount was not spent and the scheme was dropped; if so, why; and

(*d*) do the Government consider the desirability of resuscitating the river or opening a *khal* navigable all throughout the year?

The Hon'ble Mr. TARAK NATH MUKHERJEA: (*a*) and (*b*) Yes.

(*c*) The scheme was dropped as no lasting effect could be expected by re-excavating the river.

(*d*) No.

Mr. MIRZA ABDUL HAFIZ: Will the Hon'ble Minister be pleased to state what was the total amount sanctioned for resuscitating the Titash river?

The Hon'ble Mr. TARAK NATH MUKHERJEA: I ask for notice.

Mr. MIRZA ABDUL HAFIZ: Will the Hon'ble Minister be pleased to state who was the expert on whose report the Government dropped the scheme?

The Hon'ble Mr. TARAK NATH MUKHERJEA: The Chief Engineer of the Irrigation Department.

HELD OVER UNSTARRED QUESTIONS

(answers to which were laid on the table.)

Excavation of silted-up portion of the Kirtinasha river, known as "Naria Khal".

78. Dr. SURESH CHANDRA BANERJEE: (*a*) Will the Hon'ble Minister in charge of the Irrigation Department be pleased to state whether it is a fact—

(*i*) that the river Kirtinasha has silted up between the villages of Katapara and Naria making navigation between these two places difficult specially during the dry seasons; and

(*ii*) that it is becoming more and more difficult for the people of the locality to import from other places their daily necessities of life, e.g., rice, *dal*, etc.?

(*b*) If the answer to (*a*) be in the affirmative, is the Hon'ble Minister considering the desirability that the silted-up portion of the river should be excavated to make navigation possible?

(*c*) If the answer to (*b*) is in the affirmative, has the Hon'ble Minister any plan to excavate it in near future?

(*d*) If so, will the Hon'ble Minister be pleased to state what is its nature and when it is likely to be executed?

(*e*) If there be no plan, will the Hon'ble Minister be pleased to state the reason thereof?

The Hon'ble Mr. TARAK NATH MUKHERJEA: (*a*)(*i*) The channel between Katapara and Naria now called "Naria Khal" has silted up making boat navigation during the dry season difficult.

(*ii*) Excepting at the lowest ebbs of the dry season boat navigation is not altogether stopped but it is gradually becoming more and more difficult.

(*b*) to (*e*) The matter is under investigation.

Broadening of Goomti Embankment in Comilla.

79. Mr. DHIRENDRA NATH DUTTA: (*a*) Will the Hon'ble Minister in charge of the Irrigation and Waterways Department be pleased to state whether it is a fact—

(*i*) that during war time in the town of Comilla the Goomti Embankment was raised and thereby some portion of the embankment in the town south of the Kotwali police-station was narrowed;

(*ii*) that on account of the narrowing down of the embankment much inconvenience is felt by the passers-by as well as the general public of the town; and

(*iii*) that the Government permitted the Comilla Municipality to metal the Goomti Embankment which passes through the town?

(*b*) In order to remove the inconveniences of the general public as well as to allow the municipality to metal the embankment, do the Government consider the desirability of lowering the embankment up to the pre-war level or of increasing the width of the embankment by widening the embankment at the bottom?

The Hon'ble Mr. TARAK NATH MUKHERJEA: (*a*)(*i*) Yes, the Goomti Embankment was raised but this did not cause narrowing down of any portion of the embankment.

(*ii*) Does not arise.

(*iii*) It has been decided to permit the Comilla Municipality to metal the portion of the embankment from the junction of the Gangchar Road up to 100 feet north of the compound of Suja Mosque.

(*b*) No.

UNSTARRED QUESTIONS

(answers to which were laid on the table.)

Statements made by refugees of Tippera and Noakhali.

83. Mr. AMULYA CHANDRA ADHIKARI: (*a*) Will the Hon'ble Minister in charge of the Home Department be pleased to state whether it is a fact that one Deputy Magistrate has recorded the statements of refugees of Tippera and Noakhali?

(*b*) If the answer to (*a*) be in the affirmative, will the Hon'ble Minister be pleased to state—

(*i*) how many of those are of rape;

(*ii*) how many of those are of murder;

(*iii*) how many of those are of arson; and

(*iv*) how many of those are of looting?

(*c*) Have the Government taken cognisance of the crimes and sent orders to the respective district authorities to take necessary action?

MINISTER in charge of the HOME DEPARTMENT, (the Hon'ble Mr. H. S. Suhrawardy): (*a*) *Noakhali.*—No; but four of the statements taken by a Sub-Deputy Collector of Tippera related to Noakhali.

Tippera.—Yes; by a Sub-Deputy Collector.

(*b*) *Noakhali.*—

(*i*) Four.

(*ii*) Four.

(*iii*) One.

(*iv*) Four.

Tippera.—

(*i*) Eighty-four.

(*ii*) Fourteen.

(*iii*) Forty-one.

(*iv*) Sixty-four.

(*c*) Police investigation is proceeding.

Mr. A. T. MAZHARUL HAQUE: Sir, I raise objection to Unstarred Question No. 83 and I rise on a point of order. It is a matter which is *sub-judice* and under the rules no question which relates to a *sub-judice* matter can be taken up. Moreover there is nothing to show that rapes have been committed, or murders have been committed. Nor the verdict of the court has yet been given as to how many of the cases were cases of rape, murder, looting or arson. In view of this how can it be said that there have been so many cases of murder, of rape and so on?

Mr. SPEAKER: What is your point of order?

Mr. A. T. MAZHARUL HAQUE: My point of order is that the question itself is not in order, because the matter is *sub-judice*.

Mr. SPEAKER: Do you question the admissibility of this question?

Mr. A. T. MAZHARUL HAQUE: Certainly I do, because the rules do not permit us to put questions of this type and elicit answers. The Minister cannot be asked even to answer such a question.

Mr. SPEAKER: Under which rule?

Mr. A. T. MAZHARUL HAQUE: Under rule 26 (*viii*) of the Bengal Legislative Assembly Procedure Rules, wherein it is laid down that "In order that a question may be admissible, it must satisfy the following conditions, namely :—

(*viii*) it must not refer to any matter which is under adjudication under a court of law."

Mr. SPEAKER: When the Chair admitted the question, it was not pointed out that the matter was *sub-judice* and when the answer was framed and sent to this department Government did not say that it was *sub-judice*. So where is the point of your objection?

Mr. A. T. MAZHARUL HAQUE: But the Chair cannot go against the rule!

Mr. SPEAKER: Certainly not.

Mr. A. T. MAZHARUL HAQUE: So, Sir, the express provision is that no question which deals with matters *sub-judice* under clause (*viii*) of rule 26 can be at all admissible. So, I pray that the question be expunged from the records. Sir, another point I would submit is that in the High Court the other day a rule has been given for discussing matters *sub-judice* in certain presses and the rule has been issued against certain presses. There were even some unwarranted remarks against some of the Ministers while they discussed the merit of the case that occurred in 100, Harrison Road. So, in view of the remarks made by the Hon'ble High Court, it is high time for us that we should not entertain such questions and it is not known, as I have submitted already, whether rape, murder or arson have at all been committed until and unless we have got the opinion and judgment of the court. That is my submission.

Mr. AMULYA CHANDRA ADHIKARI: I would like to point out that the question referred to did not mean that the answer will come out before the House in the form of so many cases which are alleged *sub-judice*. Actually these cases are not *sub-judice* at all. The last answer—answer (*c*)—will prove that the police investigation is proceeding and the question was—will the Hon'ble Minister in charge of the Home Department be pleased to state whether it is a fact that one Deputy Magistrate has recorded the statements of refugees of Tippera and Noakhali?

Mr. SPEAKER: What do you want to say?

Mr. AMULYA CHANDRA ADHIKARI: I would like to say that it is quite in order.

Mr. A. T. MAZHARUL HAQUE: Whatever may be the form, the answers should not be admissible.

Mr. SPEAKER: Why?

Mr. A. T. MAZHARUL HAQUE: That is my opinion.

Mr. SPEAKER: I do not think any more discussion is necessary. I have looked into the question and allowed the answer.

Mr. NIHARENDU DUTT-MAZUMDAR: Will the Hon'ble Minister be pleased to state on which date were these statements recorded?

Mr. K. NASARULLA: With regard to the date, I want notice.

Mr. NIHARENDU DUTT-MAZUMDAR: Will the Hon'ble Minister be pleased to state whether these statements were recorded immediately after the occurrence at a police station or elsewhere?

Mr. K. NASARULLA: As soon as the statement was lodged in the police station, it was recorded

Maulvi MAJIBUR RAHMAN: With reference to answer (*a*), is the Government aware that some Congress volunteers fabricated false evidence in the refugee camps and extorted statements?

Mr. NIHARENDU DUTT-MAZUMDAR: Is that relevant?

Mr. SPEAKER: That is not relevant.

Mr. NIKUNJA BEHARI MAITI: With reference to answer (*c*) that police investigation is proceeding, may I ask the Hon'ble Minister if it has been finished?

Mr. K. NASARULLA: It is still proceeding.

Mrs. ASHALATA SEN: মাননীয় মন্ত্রী মহাশয় অনুগ্রহ করে বলবেন কি যে নোয়াখালী Refugee দের সম্পর্কে কোন statement record করবার কোন ব্যবস্থা করা হয় নাই কেন?

Mr. K. NASARULLA: We have recorded all the statements that came to the police station.

Mr. A. T. MAZHARUL HAQUE: Will the Hon'ble Minister be pleased to state whether the cases mentioned in the answer have been discharged by the court or are still pending in the court?

Mr. K. NASARULLA: I have already stated that it is under police investigation. It has not gone to the court as yet.

Mr. NIHARENDU DUTT-MAZUMDAR: Will the Hon'ble Minister be pleased to state whether any arrests have been made in connection with the investigation?

Mr. K. NASARULLA: I want notice.

Maulvi MAJIBUR RAHMAN: Will the Hon'ble Minister be pleased to state how long after the alleged incident the statement was recorded?

Mr. K. NASARULLA: I must have notice for that also.

Maulvi MAJIBUR RAHMAN: Will the Hon'ble Minister be pleased to state the name of the recording officer—the name of the officer who recorded the statement?

Mr. K. NASARULLA: I want notice—I have not got it here.

Mr. NIHARENDU DUTT-MAZUMDAR: Will the Hon'ble Minister be pleased to state whether for the purpose of investigation into these cases any special officer has been deputed?

Mr. K. NASARULLA: There are special police sub-inspectors deputed to investigate into these cases.

Mr. NIHARENDU DUTT-MAZUMDAR: How many such special police sub-inspectors have been deputed for such investigation?

Mr. K. NASARULLA: The exact figure I cannot say without notice.

Mr. NIKUNJA BEHARI MAITI: Will the Hon'ble Minister be pleased to state if the members of the Intelligence Branch have been appointed for investigation?

Mr. K. NASARULLA: I have already said that some other sub-inspectors from various places in Bengal have been deputed to Noakhali.'

Mr. NIKUNJA BEHARI MAITI: Will the Hon'ble Minister be pleased to state if any Bengal Intelligence Branch officers have been deputed for the purpose?

Mr. K. NASARULLA: There are some Intelligence Branch Sub-inspectors included also.

Mr. NIHARENDU DUTT-MAZUMDAR: Will the Hon'ble Minister be pleased to state who is the superior police officer in charge of this investigation?

Mr. K. NASARULLA: I think Mr. Dutt-Mazumdar ought to know that Superentendent of Police is the superior officer in the district to be in charge of this investigation.

Mr. NIHARENDU DUTT-MAZUMDAR: Will the Hon'ble Minister be pleased to state if, in respect of these cases of looting, any property looted has been recovered as yet?

Mr. K. NASARULLA: I have said that the matter is under police investigation and unless I get notice, I cannot say off-hand.

Mr. NIHARENDU DUTT-MAZUMDAR: Is the matter under police investigation with regard to the apprehension of criminals or with regard to the restoration or recovery of looted properties also?

Mr. K. NASARULLA: I think, when I say that the matter is under police investigation, it means with regard to criminals, with regard to looted properties and with regard to the case itself.

Mr. NIHARENDU DUTT-MAZUMDAR: Will the Hon'ble Minister be pleased to state whether any of the looted property has as yet been recovered by the officers who are carrying on this investigation?

Mr. K. NASARULLA: I want notice for that.

Maulvi MAJIBUR RAHMAN: Will the Hon'ble Minister be pleased to state if these statements were recorded actually in the refugee camps where there were lots of Congress volunteers?

Mr. K. NASARULLA: I want notice

Mr. MIRZA ABDUL HAFIZ: With reference to answer (*b*) (*ii*), will the Hon'ble Minister be pleased to state whether there was any eye-witness of murder out of the refugees there?

Mr. K. NASARULLA: I must point out that these answers are from statements or *ejahars* which were lodged in the police station.

Mr. A. T. MAZHARUL HAQUE: Is it a fact that all these complaints have been drafted by the same man?

Mr. K. NASARULLA: I want notice for that.

Mr. NIHARENDU DUTT-MAZUMDAR: Will the Hon'ble Minister be pleased to state whether in the case of these arsons, viz., 41 in Tippera and 1 in Noakhali stated herein, the houses burnt down have been reconstructed and compensation paid by Government?

Mr. K. NASARULLA: I must say, whether these statements or *ejahars* are true or not has still to be found out.

Mr. BIMAL CHANDRA SINHA: Will the Hon'ble Minister be pleased to state whether it is a fact that the Sub-Deputy Collector was a relation of a prominent Muslim League official there?

Mr. K. NASARULLA: Government has got no such information.

Mr. MIRZA ABDUL HAFIZ: Will the Hon'ble Minister be pleased to state whether the statement of rape was made by the individuals themselves, or it was made by other refugees?

Mr. SPEAKER: I do not follow your question.

Mr. MIRZA ABDUL HAFIZ: Will the Hon'ble Minister be pleased to state whether the statement of rape was made by the individual ladies themselves or it was made by the other refugees of Noakhali camp?

Mr. SPEAKER: I do not see any difference. Among the refugees there may be ladies.

Mr. MIRZA ABDUL HAFIZ: My question was whether the statement of rape was made by the affected persons themselves or by the other refugees?

Mr. SPEAKER: That question does not arise.

Improvement of mango cultivation in Bengal.

84. Mr. EBRAHIM KHAN: (*a*) Will the Hon'ble Minister in charge of the Agriculture Department be pleased to state whether Government consider the desirability of improving the mango cultivation throughout Bengal?

(*b*) If the answer to (*a*) be in the affirmative, what scheme do Government propose to adopt for the purpose?

(*c*) Will the Hon'ble Minister be pleased to state whether Government have any scheme for the cultivation of various fruits in lands that are now lying fallow in the Province?

MINISTER in charge of the AGRICULTURE DEPARTMENT (the Hon'ble Mr. Ahmed Hossain): (*a*) Yes.

(*b*) There are two schemes which are being implemented. One is a short-term scheme under which assistance is given to fruit growers in renovating their old orchards and more particularly their mango groves. The other one is a long term scheme. The idea is to set up a first class Fruit and Vegetable Products Research Laboratory and five Horticultural Research stations, one of the latter dealing with mango

(*c*) No, not under direct Government management. Government will however provide technical assistance and make available mango grafts, manure, etc., at cheap rates to private individuals intending to utilise fallow lands for fruit cultivation. Advice on proper utilisation of the produce will also be freely given.

Mr. BADIUZZAMAN MUHAMMAD ILIAS: Will the Hon'ble Minister be pleased to state what are the main mango producing districts in Bengal?

Mr. ABDUL KARIM: I cannot say that off-hand.

Mr. SURESH CHANDRA DAS GUPTA: With reference to answer (*b*) "One is a short-term scheme under which assistance is given to fruit growers on renovating their old orchards and more particularly their mango groves" মাননীয় মন্ত্রী মহাশয় বলবেন কি যে এটা আরম্ভ হয়েছে কিনা?

Mr. ABDUL KARIM: Yes.

Mr. SURESH CHANDRA DAS GUPTA: তাহলে মন্ত্রীমহাশয় বলবেন কি এই scheme কবে আরম্ভ হয়েছে এবং তার কি ফল হয়েছে?

Mr. ABDUL KARIM: I think it has got some result.

Mr. BADIUZZAMAN MUHAMMAD ILIAS: Will the Hon'ble Minister be pleased to state what kind of assistance can be available in renovating mango trees?

Mr. ABDUL KARIM: Manures are supplied.

Mr. BADIUZZAMAN MUHAMMAD ILIAS: Will the Hon'ble Minister be pleased to state where this assistance will be available—in Calcutta or in the districts?

Mr. ABDUL KARIM: In the Government seed stores.

Mr. MIRZA ABDUL HAFIZ: Will the Hon'ble Minister be pleased to state when mango grafts, manures, etc., will be available to the public?

Mr. ABDUL KARIM: I would ask the honourable member to come in contact with the department concerned.

STARRED QUESTIONS

(to which oral answers were given)

Grievance of Co-operative Service Association.

***243. Mr. DEWAN LUTFAR RAHMAN:** (*a*) Will the Hon'ble Minister in charge of the Co-operation Department be pleased to state whether it is a fact that the Co-operative Service Association submitted a memorandum of grievances to Government through the Registrar of Co-operative Societies as early as in 1944?

(*b*) If the answer to (*a*) be in the affirmative, will the Hon'ble Minister be pleased to state what action Government has taken on it?

(*c*) Will the Hon'ble Minister be pleased to state whether the post of Auditor is a Government post in the Co-operative Department?

(*d*) If the answer to (*c*) be in the affirmative, will the Hon'ble Minister be pleased to state why the post of Auditor is not made pensionable?

(*e*) Will the Hon'ble Minister be pleased to state

(*i*) whether Government recruit Sub-Deputy Magistrates from Auditors; and

(*ii*) if so, how many have been recruited so long?

Mr. MASIHUDDIN AHMED (on behalf of the Hon'ble Mr. A. F. M. Abdur Rahman): (*a*), (*c*) and (*e*) (*i*) Yes.

(*b*) Their grievances have received sympathetic consideration.

(*d*) As the Auditors are paid from the audit fees levied on and realised from Co-operative Societies their posts for the present are not pensionable.

(*e*) (*ii*) One

Mr. BADIUZZAMAN MUHAMMAD ILIAS: Will the Hon'ble Minister be pleased to state if there is any other Government official who does not get pension?

Mr. MASIHUDDIN AHMED: I cannot say that off-hand

Mr. BIJOY KRISHNA SARKAR: Will the Hon'ble Minister be pleased to state whether the posts of Assistant Auditors are Government posts?

Mr. MASIHUDDIN AHMED: They are Government officers. As a matter of fact they draw their salaries not from the Government exchequer but from audit fees realised from Co-operative Societies.

Mr. BIJOY KRISHNA SARKAR: The answer is not clear. If the posts of auditors are Government posts, why are they not pensionable?

Mr. MASIHUDDIN AHMED: They are Government servants.

Mr. SHAMSUDDIN AHMED KHONDKAR: Will the Hon'ble Minister be pleased to state what is Bengal's collection from audit fees?

Mr. MASIHUDDIN AHMED: I cannot answer this question off-hand.

Mr. SHAMSUDDIN AHMED KHONDKAR: Will the Hon'ble Minister be pleased to state whether the collections cover the expenses?

Mr. MASIHUDDIN AHMED: I cannot say that

Mr. SHAMSUDDIN AHMED KHONDKAR: In view of the answer that auditors are Government servants, will the Hon'ble Minister be pleased to state why their salaries should be paid from audit fees?

Mr. MASIHUDDIN AHMED: As a matter of fact under the new scheme they will draw their salaries from the Government exchequer and their service is going to be made pensionable.

Mr. SHAMSUDDIN AHMED KHONDKAR: Will the Hon'ble Minister be pleased to state whether Government consider it desirable to abolish the exactions from the Societies?

Mr. MASIHUDDIN AHMED: Government do not think so for the present.

Munshiganj waterworks scheme.

***244. Mr. MD. ABDUL HAKIM VIKRAMPURI:** Will the Hon'ble Minister in charge of the Health and Local Self-Government Department be pleased to state—

(*a*) how far the repair and extension of the waterworks scheme of Munshiganj (Dacca) has advanced and in what stage it is now;

(*b*) how much public contribution has already been realised;

(*c*) how much Government intends to contribute; and

(*d*) whether the Government can give any definite date when the work will begin?

Mr. S. A. SALIM (on behalf of the Hon'ble Mr. Mohammed Ali): (*a*), (*b*) and (*d*) The honourable member is referred to the reply given to starred question No. 167 on 19th March, 1947.

(*c*) The question of Government contribution cannot be decided until the scheme is approved. Under their present policy, however, Government contribute up to two-thirds of the estimated cost of an approved municipal project. Munshiganj, however, is not a municipality and this scheme does not, therefore, come strictly within this policy. The case will, however, be considered on this analogy.

Area of land requisitioned for military purposes.

***245. Maharaja SRISCHANDRA NANDY, of Cossimbazar:** Will the Hon'ble Minister in charge of the Land and Land Revenue Department be pleased to state—

(*a*) the area of land requisitioned by the Government in different districts of Bengal for military purposes;

(*b*) whether the same or any part of it has since been released to the owner and, if so, the area of land so far released may be stated;

(*c*) the amount of compensation, if any, so far paid to the owners of the land and the basis for assessing such compensation;

(*d*) whether the Government requisitioned any land in Pannagar area, district Burdwan, for military purposes; if so, the area of land so requisitioned and the date of requisition;

(*e*) whether the dispossessed owners have been paid any compensation for loss of crop from the date of requisition till 1352 B.S.; if not, what is the amount of compensation paid to them and up to what period; and

(*f*) whether the Government have any contemplation to pay the balance to the Pannagar land owners and, if so, when?

Mr. HAMIDUDDIN AHMED (on behalf of the Hon'ble Mr. Fazlur Rahman): (*a*) to (*c*) A statement is laid on the Table.

(*d*) 12,145 acres were requisitioned between April, 1943, and April, 1945, for the establishment of Reserve Base Pannagar Area, of which 2,324 acres have since been released.

(*e*) Dispossessed owners of land have been paid full compensation on account of crops, etc., up to 1352 B.S.

(*f*) Does not arise.

Statement referred to in reply to clauses (a) to (c) of starred question No. 245.

District.	Area of land requisitioned for military purposes.	Area of land so far released.	Amount of compensation paid.	Basis for assessing compensation.
1	2	3	4	5
	Acres.	Acres.	Rs. a. p.	
(1) Burdwan ..	27,002 00	7,772 00	72,01,327 0 0	Broadly speaking compensation has been assessed in accordance with the following principles:— For agricultural and garden land by computing the value of the crops at the prevailing rate *less* cost of cultivation. For vacant building sites and homesteads—on the basis of the letting value of similar land and homesteads in the locality and, where this cannot be ascertained, at 4 per cent. or 5 per cent. per annum of the capital cost of the property, according as the property is situated in rural or urban areas.
(2) Birbhum ..	1,833 86	384 88	3,25,131 12 6	
(3) Bankura .	6,298 02	242 54	4,88,638 9 0	
(4) Midnapore	13,758 00	700 ·00	22,98,862 2 8	
(5) Hooghly ..	715 385	234 31	4,32,376 9 4	
(6) Howrah ..	735 967	576 00	2,03,202 0 0	
(7) 24-Parganas	34,739 69	28,821 27	2,40,80,272 0 0	
(8) Nadia ..	19,911 00	2,560 00	15,24,265 0 0	
(9) Murshidabad	105 07	105 ·07	16,123 4 11	
(10) Jessore ..	4,385 ·00	1,824 00	27,65,521 0 0	
(11) Khulna ..	150 58	2 29	11,97,947 9 0	
(12) Rajshahi ..	28 ·10	3 ·44	1,412 5 9	
(13) Dinajpur ..	2,395 973	983 296	13,59,629 2 9	
(14) Jalpaiguri	316 27	203 35	1,960 13 0	
(15) Darjeeling	1,777 69	1,753 94	82,858 2 6	
(16) Rangpur ..	3,849 ·19	347 19	10,00,000 0 0	
(17) Bogra ..	20 95	18 ·66	9,340 15 2	
(18) Pabna ..	196 ·34	26 34	6,71,868 0 0	
(19) Malda ..	Nil	Nil	Nil	
(20) Dacca ..	3,824 ·90	202 ·46	18,89,570 8 10	
(21) Mymensingh	453 84	112 ·676	8,74,424 0 0	
(22) Faridpur ..	734 ·00	397 ·00	5,48,386 0 0	
(23) Bakarganj	27 ·265	27 ·265	11,073 13 0	
(24) Tippera ..	20,192 ·94	9,772 ·54	1,02,66,514 3 0	
(25) Noakhali ..	22,532 ·00	21,177 ·00	1,85,95,873 0 0	
(26) Chittagong	72,472 ·89	56,400 ·00	96,38,953 1 9	
(27) Chittagong Hill Tracts.	16 ·03	16 ·03	2,861 4 0	

Mr. MUHAMMAD HABIBULLAH CHAUDHURY: Will the Hon'ble Minister be pleased to state whether any action has been taken on the report of Rai Bahadur Dinesh Chandra Gupta in connection with the land acquired by Government?

Mr. HAMIDUDDIN AHMED: That report was specially in connection with the acquired land of Noakhali and Tippera and not other places. With regard to other places some action has been taken.

Mr. MIRZA ABDUL HAFIZ: Will the Hon'ble Minister be pleased to state when the remaining portions of the land will be released?

Mr. HAMIDUDDIN AHMED: I cannot give the time off-hand.

Mr. A. F. STARK: Will the Hon'ble Minister be pleased to explain for what military purposes the lands which have not yet been released by Government are now being used?

Mr. HAMIDUDDIN AHMED: Tents meant for military purposes are still there, and unless and until they are demolished or taken away, all the lands cannot be released. Some lands are being used for other purposes.

Mr. MUHAMMAD HABIBULLAH CHAUDHURY: Will the Hon'ble Minister be pleased to state what steps were taken to implement the recommendations of the Rai Bahadur I have just mentioned?

Mr. HAMIDUDDIN AHMED: I want notice.

Mr. MUHAMMAD HABIBULLAH CHAUDHURY: Is the Hon'ble Minister aware that bulk of the amount paid in the district of Noakhali was misappropriated by the local officials of the Land Acquisition Department?

Mr. SPEAKER: The question does not come within the purview of the main question.

Mr. BIJOY KRISHNA SARKAR: Will the Hon'ble Minister be pleased to state when rest of the land in Jalpaiguri district will be released?

Mr. HAMIDUDDIN AHMED: I cannot give the time.

Mr. NIKUNJA BEHARI MAITI: Will the Hon'ble Minister detail the purposes for which lands are still being used?

Mr. HAMIDUDDIN AHMED: I have already answered that.

Mr. NIKUNJA BEHARI MAITI: The Hon'ble Minister has said that lands are being used for "other purposes". I want to know what those "other purposes" are.

Mr. HAMIDUDDIN AHMED: I want notice.

Mr. MUHAMMAD HABIBULLAH CHAUDHURY: Is the Hon'ble Minister aware that on the flimsy grounds that the Noakhali town will be removed to Feni lands are not being derequisitioned?

Mr. HAMIDUDDIN AHMED: I am not aware.

Munsiffs' courts in Noakhali Sadar.

***246. Mr. FAZLUR RAHMAN:** Will the Hon'ble Minister in charge of the Judicial Department be pleased to state—

(*a*) whether it is a fact that out of three Munsiffs' courts in Noakhali Sadar only one is working;

(*b*) if so, since when;

(*c*) how many cases are pending in the *First* and *Third Munsiffs' courts*; and

(*d*) whether the Hon'ble Minister is considering the desirability of sending two more Munsiffs there and, if not, why not?

MINISTER in charge of the JUDICIAL DEPARTMENT (the Hon'ble Mr. Nagendra Narayan Roy): (*a*) Two Munsiff's courts are working from 3rd March, 1947.

(*b*) There was one Munsiffs' court during the period from 16th July, 1946, to 23rd September, 1946, from 19th November, 1946, to 30th November, 1946, and from 2nd January, 1947, to 1st March, 1947, only.

(*c*) First Court, 1,618 (including 1,141 stayed).

Third Court, 1,491 (including 1,009 stayed).

(*d*) No. The number really ready for hearing (i.e., excluding those which have been stayed) do not necessitate this. It will be considered when figures justify the same.

Mr. MUHAMMAD HABIBULLAH CHAUDHURY: Will the Hon'ble Minister be pleased to state what is the number in his opinion that will necessitate sending more Munsifs to Noakhali?

The Hon'ble Mr. NAGENDRA NARAYAN ROY: Sir, there is no fixed standard for the posting of an officer, but when the District Judge recommends the posting of an officer and the High Court thinks that the present officer or officers cannot cope with the files, then an officer is posted.

Mr. RAJENDRA NATH SARKAR: With reference to answer (*a*), will the Hon'ble Minister be pleased to state if the third court has ceased to work and is closed?

Hon'ble Mr. NAGENDRA NARAYAN ROY: Will you please repeat your question?

Mr. RAJENDRA NATH SARKER: In your answer (*a*) it is stated that two Munsif's courts are working, my supplementary question is whether the third court is closed?

Mr. SPEAKER: I do not understand your question. The question is "Whether it is a fact that out of three Munsif's courts in Noakhali Sadar only one is working" and the reply is "Two Munsif's courts are working." So the answer is quite clear.

Mr. RAJENDRA NATH SARKAR: Sir, I may be permitted to put another supplementary question. Will the Hon'ble Minister be pleased to state whether filings in the court other than the two courts referred to in answer (*a*) are going on or stopped?

The Hon'ble Mr. NAGENDRA NARAYAN ROY: I want notice.

Police firing in Dinajpur district.

***247. Mr. NISHITHA NATH KUNDU:** Will the Hon'ble Minister in charge of the Home Department be pleased to state—

(*a*) the circumstances under which firing was resorted to in some of the villages in the Balurghat, Thakurgaon and Sadar subdivisions in the district of Dinajpur;

(*b*) the number of deaths in consequence of firing—

(*i*) male,

(*ii*) female, and

(*iii*) children;

(*c*) whether the Government took beforehand any preventive measures for maintaining peace and order when *tebhaga* movement started and, if not, why not; and

(*d*) whether the Government have reecived reports regarding firing from either the official or non-official quarters?

Mr. K. NASARULLAH (on behalf of the Hon'ble Mr. H. S. Suhrawardy): (*a*) Firing was resorted to in Ranisankail, Chirrirbandar, Khanpur, Thumnia and Thakurgaon as police was attacked in each case.

(*b*) (*i*) Twenty-eight.

(*ii*) Three.

(*iii*) Nil.

(*c*) Yes; preventive measures for maintaining peace and order were taken when *tebhaga* movement started.

(*d*) Yes: Government received reports regarding firing from official quarters.

Mr. MUHAMMAD HABIBULLAH CHAUDHURY: Will the Hon'ble Minister be pleased to state whether the three women killed also attacked the police?

Mr. K. NASARULLA: Yes, Sir.

Mr. NISHITHA NATH KUNDU: Will the Hon'ble Minister be pleased to tell us what preventive measures were taken for maintaining peace and order before such firing took place?

Mr. K. NASARULLA: The usual preventive measures were taken, such as, section 144 was promulgated, police were asked to be in readiness, they were posted at places, in fact every sort of measure was taken.

Mr. MUHAMMAD HABIBULLAH CHAUDHURY: Will the Hon'ble Minister be pleased to give us the names of the three women who attacked the police?

Mr. K. NASARULLA: I have not got the names of the three women.

Mr. MIRZA ABDUL HAFIZ: Will the Hon'ble Minister be pleased to state whether the persons killed belong to any political party, or Communist Party rather?

Mr. K. NASARULLA: The report shows that the people who attacked the police were members of the Communist Party.

Mr. BADIUZZAMAN MUHAMMAD ILIAS: Will the Hon'ble Minister be pleased to state if Tebhaga movement is still continuing in the district of Dinajpur?

Mr. K. NASARULLA: No.

Mr. BADIUZZAMAN MUHAMMAD ILIAS: With reference to answer (*b*) (*i*) (*ii*) and (*iii*), will the Hon'ble Minister be pleased to state how many of them are Muslims, and how many non-Muslims?

Mr. K. NASARULLA: I ask for notice.

Mr. MUHAMMAD HABIBULLAH CHAUDHURY: Will the Hon'ble Minister be pleased to state the nature of the attack on the police by these people including women?

Mr. K. NASARULLA: Sir, the whole crowd attacked the police with spears, *lathis* and other dangerous weapons.

Mr. AMULYA CHANDRA ADHIKARI: Will the Hon'ble Minister be pleased to state the nature of weapons that were being carried by these three women? Broom-sticks, *dao*, spears, or what?

Mr. K. NASARULLA: Broom-sticks can do a lot.

Mr. NISHITHA NATH KUNDU: Will the Hon'ble Minister be pleased to state when section 144 was promulgated in the places mentioned in reply (*a*) and the dates of firing?

Mr. K. NASARULLA: Sir, for details I would require notice.

Mr. NIKUNJA BEHARI MAITI: Will the Hon'ble Minister be pleased to state the effect of this firing?

Mr. K. NASARULLA: The effect of the firing was that crowd dispersed.

Mr. NIKUNJA BEHARI MAITI: Will the Hon'ble Minister be pleased to state whether as a result of the effect of the firing Tabhaga movement has subsided?

Mr. K. NASARULLA: Naturally, I suppose so

Mr. MUHAMMAD HABIBULLAH CHAUDHURY: Will the Hon'ble Minister be pleased to state whether any enquiry was made by Government into this firing?

Mr. K. NASARULLA: After this firing the usual enquiry by officials was made

Mr. MANORANJAN DHAR: In view of the public opinion that this firing was unjustifiable and unwarranted, will the Hon'ble Minister be pleased to say whether he considers the desirability of instituting an impartial enquiry into the matter?

Mr. K. NASARULLA: Government think that the firing was justified.

Maulvi AKBAR ALI: Will the Hon'ble Minister be pleased to state what were the emergent circumstances under which the police fired?

Mr. K. NASARULLA: Because the police party was attacked.

Mr. NIHARENDU DUTT-MAZUMDAR: Will the Hon'ble Minister be pleased to state whether the crowd which assembled there was of poor peasants and were presenting their grievances?

Mr. K. NASARULLA: It was a crowd of Communist Party.

Mr. NIHARENDU DUTT-MAZUMDAR: Will the Hon'ble Minister be pleased to state if the members of the crowd were the local peasantry who had grievances to present to the authorities?

Mr. K. NASARULLA: 99 per cent of the crowd in India belong to peasantry.

Mr. MUHAMMAD HABIBULLAH CHAUDHURY: Will the Hon'ble Minister be pleased to state how many police were killed and how many injured as a result of the attack, including the attack by the women?

Mr. K. NASARULLA: I want notice.

Mr. MUNINDRA NATH BHATTACHARJEE: Will the Hon'ble Minister be pleased to state if any enquiry was made regarding this police firing?

Mr. K. NASARULLA: Yes, Sir.

Mr. NIHARENDU DUTT-MAZUMDAR: Will the Hon'ble Minister be pleased to state if any enquiry was made with regard to the grievances of those men who assembled there?

Mr. K. NASARULLA: Sir, I want notice.

Mr. NISHITHA NATH KUNDU: Will the Hon'ble Minister be pleased to state what occasioned the police to be deputed to places mentioned in answer (*a*), namely, Ranisankail, Chirirbazar, Khanpur, Thumnia and Thakurgaon?

Mr. K. NASARULLA: Because this movement was going on there and it was apprehended that there might be a clash. Therefore police was deputed.

Mr. MANORANJAN DHAR: Will the Hon'ble Minister be pleased to state if any warning was given to the crowd before resorting to firing?

Mr. K. NASARULLA: In every instance of firing a warning is given beforehand.

Mr. NIHARENDU DUTT-MAZUMDAR: Will the Hon'ble Minister be pleased to state if it is not a fact that Government is making a bugbear of the Communist Party to suppress Tebhaga movement?

Mr. K. NASARULLA: I refuse to answer the question.

Mr. NIHARENDU DUTT-MAZUMDAR: Will the Hon'ble Minister be pleased to state how long before firing was resorted to, warning was given to the crowd to disperse?

Mr. K. NASARULLA: Usually as soon as crowd becomes disorderly warning is given.

Mr. NIHARENDU DUTT-MAZUMDAR: Not "usually"; I want to know in this specific case.

Mr. K. NASARULLA: I want notice.

Mr. NIHARENDU DUTT-MAZUMDAR: Who gave the warning to the crowd?

Mr. K. NASARULLA: The Magistrate in charge.

Mr. NIHARENDU DUTT-MAZUMDAR: Was the Magistrate personally present at the spot?

Mr. K. NASARULLA: Yes, Sir.

Mr. NIHARENDU DUTT-MAZUMDAR: Will the Hon'ble Minister be pleased to tell the House the name of the Magistrate who was on duty there?

Mr. K. NASARULLA: I want notice.

Mr. MUHAMMAD HABIBULLAH CHAUDHURY: Will the Hon'ble Minister be pleased to state whether following the kick and kiss policy Government ordered the police to fire on the one hand and on the other instigated the people to carry on their Tebhaga agitation?

(No answer.)

Mr. KHAGENDRA NATH DAS GUPTA: Will the Hon'ble Minister be pleased to state whether the Magistrate went to every place where the firing took place?

Mr. K. NASARULLA: I want notice.

Mr. NISHITHA NATH KUNDU: In view of the fact that enquiries were made into the cases of firing, will the Hon'ble Minister be pleased to state the result of such enquiry?

Mr. K. NASARULLA: The result of the enquiry is the Government has justified the firing.

Mr. NISHITHA NATH KUNDU: Will the Hon'ble Minister be pleased to give us a substance of the report of the enquiry?

Mr. K. NASARULLA: It is a big report and I cannot give the substance.

Mr. NIHARENDU DUTT-MAZUMDAR: Will the Hon'ble Minister be pleased to state who ordered the firing?

Mr. K. NASARULLA: It has already been answered.

Mr. NIHARENDU DUTT-MAZUMDAR: May we know the answer?

Mr. SPEAKER: The answer is that it was done by the Magistrate in charge.

Mr. NIHARENDU DUTT-MAZUMDAR: The Hon'ble Minister could not answer if the District Magistrate was present when the firing order was given, and therefore I ask who was the particular person who ordered the firing?

Mr. K. NASARULLA: I want notice

Mr. NIHARENDU DUTT-MAZUMDAR: Will the Hon'ble Minister be pleased to state whether Government has made any enquiry as to who actually ordered the firing?

Mr. K. NASARULLA: I want notice.

Mr. MUHAMMAD HABIBULLAH CHAUDHURY: Will the Hon'ble Minister be pleased to state whether all this firing took place in the same subdivision?

Mr. K. NASARULLA: No, Sir; I do not think so.

Mr. NIHARENDU DUTT-MAZUMDAR: In view of the last answer that the Hon'ble Minister is not aware and that Government has made no enquiry as to who ordered the firing, will the Hon'ble Minister be pleased to state on what basis the Government justifies the act of firing?

Mr. K. NASARULLA: On the basis of the report of the District Magistrate.

Mr. NIHARENDU DUTT-MAZUMDAR: Will the Hon'ble Minister be pleased to state whether Government made a full enquiry as to who ordered firing before justifying this firing?

Mr. K. NASARULLA: Yes, Government has got a full report.

Mr. NIHARENDU DUTT-MAZUMDAR: Will the Hon'ble Minister be pleased to state if Government had enquired into the matter and, if so, what was the result of that enquiry?

Mr. K. NASARULLA: I have already said that Government has justified the firing.

Mr. NIHARENDU DUTT-MAZUMDAR: Sir, my question is, on the basis of what precise finding of facts did the Government justify the firing? In view of the fact that Government made no investigation as to who ordered firing and in view of the fact that Government is not in a position

to say whether due warning was given and how long before the order of firing, such warning, if at all, was given, I want to know on the basis of what precise finding of facts did the Government justify the firing?

Mr. K. NASARULLA: Government was satisfied that the police party was attacked and in self-defence the police party opened fire.

Mr. KHAGENDRA NATH DAS GUPTA: Will the Hon'ble Minister be pleased to state the name of the officer who made the enquiry?

Mr. K. NASARULLA: I have said, the report of the District Magistrate is with me.

Mr. NISHITHA NATH KUNDU: Will the Hon'ble Minister be pleased to state if he has personal knowledge of the reasons in justification of the firing?

(No answer.)

Will the Hon'ble Minister answer my question?

Mr. SPEAKER: Mr. Kundu, you cannot expect him to have any personal knowledge of the matter. Sitting in Calcutta how can he have any personal knowledge?

Mr. NISHITHA NATH KUNDU: I want to know whether he has personally gone through the report.

Mr. SPEAKER: I do not think that is a question requiring an answer.

Mr. NIHARENDU DUTT-MAZUMDAR: Will the Hon'ble Minister be pleased to state whether Government consider it necessary to set up an independent committee of enquiry consisting of members of all sides of the House to enquire into those incidents?

Mr. K. NASARULLA: No, Sir.

Teachers' representation in District School Board, Rangpur.

***248. Mr. NAZIR HOSSAIN KHONDKER:** (*a*) Is the Hon'ble Minister in charge of the Education Department aware that the Rangpur District School Board is functioning since 1941 without a teachers' representative?

(*b*) If the answer to (*a*) is in the affirmative, will the Hon'ble Minister be pleased to state—

(*i*) why a teachers' representative was not elected so long; and

(*ii*) what steps the Government proposed to take to have a teachers' representative in the Board?

Mr. ABDUL KHALIQ (on behalf of the Hon'ble Mr. Saiyed Muazzamuddin Hosain): (*a*) Yes.

(*b*) (*i*) In absence of the prescribed rules for the election of teachers' representative in the District School Boards no election could be held so long.

(*ii*) Rules for the election of teachers' representative were finally published in the *Calcutta Gazette* of 27th March, 1947, and elections will now be held.

Mr. NIKUNJA BEHARI MAITI: With reference to answer (*b*), will the Hon'ble Minister be pleased to state why the rules were not framed so long?

Mr. ABDUL KHALIQ: The teachers' representatives for the first term were appointed by Government and pending the prescription of rules those teachers had been continuing on the Board. Then legal opinion had to be taken with regard to certain rules, and therefore there was delay.

Mr. BADIUZZAMAN MUHAMMAD ILIAS: Will the Hon'ble Minister be pleased to state whether this rule for the election of teachers' representatives will be given effect to with regard to new elections of school boards or for the offices now lying vacant?

Mr. ABDUL KHALIQ: Yes, the rules have already come into effect and they will be given effect to in all elections.

Mr. MUHAMMAD HABIBULLAH CHAUDHURY: Is the Hon'ble Minister aware that non-inclusion of teachers in school boards is one of the reasons why the teachers went on strike?

Mr. ABDUL KHALIQ: No.

Mr. NAZIR HOSSAIN KHONDKER: Is the Hon'ble Minister aware that excepting the teachers' representative all the members of the school board have been either elected or nominated, and that the board is going to function with effect from the 5th of May?

Mr. ABDUL KHALIQ: Government have no definite information to that effect.

Mr. NAZIR HOSSAIN KHONDKER: Will the Hon'ble Minister be pleased to state whether there can be any election of Chairman of the District School Board without the previous election of teachers' representative?

Mr. ABDUL KHALIQ: The absence of teachers' representative does not invalidate the election of the Chairman of the District School Board.

Mr. NISHITHA NATH KUNDU: Will the Hon'ble Minister be pleased to state whether the teachers' representative has got to be a teacher himself?

Mr. ABDUL KHALIQ: Yes.

Mr. NISHITHA NATH KUNDU: Is it provided in the rules?

Mr. ABDUL KHALIQ: Yes.

Mr. NIHARENDU DUTT-MAZUMDAR: Will the Hon'ble Minister be pleased to state what occasioned the inordinate delay in the framing of the rules for the election of teachers' representatives, which were published only on the 27th of March last long after the strike had started?

Mr. ABDUL KHALIQ: It had no connection with the strike whatsoever. In framing the rules references had to be made to legal experts on certain points and that caused the delay.

Mr. NIHARENDU DUTT-MAZUMDAR: The rules provided that the teachers would have the right to elect their representatives: when was that provided for?

Mr. ABDUL KHALIQ: The rule was that for the first term the teachers' representative should be appointed and during the next election the teachers' representative will be elected, but pending the framing of the rules the representatives appointed continued to represent the teachers.

Mr. SHARFUDDIN AHMAD: Will the Hon'ble Minister be pleased to state when did the Government think it necessary to start framing the rules?

Mr. ABDUL KHALIQ: It is very difficult to say when actually Government took up the case but the matter was under consideration for a long time and then it took the final shape and was published in the Gazette in March.

Mr. SHARFUDDIN AHMAD: Will the Hon'ble Minister be pleased to state what period of time was actually covered in framing the rules from start to finish?

Mr. ABDUL KHALIQ: I want notice.

District School Board, Jalpaiguri.

***249. Mr. KHAGENDRA NATH DAS GUPTA:** (*a*) Will the Hon'ble Minister in charge of the Education Department be pleased to state in regard to District School Board, Jalpaiguri—

(*i*) total amounts of receipts and expenditures for the years 1943-44, 1944-45 and 1945-46;

(*ii*) total number of primary schools under the Board in the years 1943-44, 1944-45 and 1945-46;

(*iii*) total number of schools the houses of which have been totally destroyed and no new constructions have yet been made; and

(*iv*) total number of schools that have no houses of their own?

(*b*) Is it a fact that the School Board funds are not being allowed to be expended on construction of new school buildings?

Mr. ABDUL KHALIQ (on behalf of the Hon'ble Mr. Saiyed Muazzamuddin Hosain): (*a*)(*i*)—

		1943-44.	1944-45.	1945-46.
		Rs.	Rs.	Rs.
Receipts	..	4,73,228	6,45,650	5,37,137
Expenditure	..	4,18,590	4,92,798	4,20,763

(*ii*) Eight hundred and forty-five in 1943-44; 861 in 1944-45; 861 in 1945-46.

(*iii*) Nine.

(*iv*) Eight.

(*b*) Government have recently decided that in special circumstances, with the previous approval of the Director of Public Instruction, Bengal, the District School Boards will be permitted to spend a portion (not more than 10 per cent.) of the 5 per cent. provision in a particular year on construction of primary school buildings in very poor localities where a school could not be provided otherwise.

Mr. BADIUZZAMAN MUHAMMAD ILIAS: With reference to answer (*a*) (*iii*) will the Hon'ble Minister be pleased to state how these schools are running without any house of their own at the present moment?

Mr. ABDUL KHALIQ: They are running of course with difficulty.

Mr. BADIUZZAMAN MUHAMMAD ILIAS: Will the Hon'ble Minister be pleased to state the present fate of the students of those schools?

Mr. ABDUL KHALIQ: Those schools are not functioning properly.

Mr. NISHITHA NATH KUNDU: With reference to (*a*) (*iii*) did the Government enquire as to the reasons for which the school houses could not be built?

Mr. ABDUL KHALIQ: These houses were originally built by the local people and they were maintained in proper order by the local people also. But these particular houses were not rebuilt by the local people. Perhaps they could not afford to do that.

Mr. NISHITHA NATH KUNDU: With reference to the answer just now given that the local people could not afford to rebuild those houses will the Hon'ble Minister be pleased to tell us if the reply given in (*b*) will also apply in these cases?

Mr. ABDUL KHALIQ: Yes; and on account of cases like these the rules have been relaxed.

Mr. KHAGENDRA NATH DAS GUPTA: With reference to answer (*a*) (*iii*) will the Hon'ble Minister be pleased to state who were the owners of these houses?

Mr. ABDUL KHALIQ: It is not known to me.

Mr. NIKUNJA BEHARI MAITI: With reference to answer (*a*) (*i*) will the Hon'ble Minister be pleased to explain how the balance left each year for expenditure is being utilised?

Mr. ABDUL KHALIQ: The balance perhaps is kept in the reserve fund of the School Board.

Mr. NIKUNJA BEHARI MAITI: Will the Hon'ble Minister be pleased to state how the amount from the reserve fund is being utilised?

Mr. ABDUL KHALIQ: It is not known to the Department. Perhaps it is in the bank now.

Mr. MIRZA ABDUL HAFIZ: Will the Hon'ble Minister be pleased to state the total income of the Rangpur District School Board from education cess?

Mr. ABDUL KHALIQ: I want notice

Mr. NISHITHA NATH KUNDU: Will the Hon'ble Minister be pleased to tell us if the Government has any scheme for the utilisation of the surplus funds that are in the banks?

Mr. ABDUL KHALIQ: Government has not got any general scheme for such surplus funds nor have all School Boards got surplus amounts. But in cases where the School Boards can show surplus, they come up with their own schemes and Government consider those schemes and give their approval or disapproval.

Mr. NISHITHA NATH KUNDU: In view of the answer just now given will the Hon'ble Minister be pleased to give us some idea as to the scheme put forward by this particular District School Board?

Mr. ABDUL KHALIQ: No scheme has come forward as far as I know.

Mr. MIRZA ABDUL HAFIZ: Is the Hon'ble Minister aware that the number of schools, viz., 861 in 1945-46 in the whole district is quite meagre and insufficient?

Mr. ABDUL KHALIQ: That is a question of opinion and the School Board is the proper authority to give an opinion on this.

Mr. MUHAMMAD HABIBULLAH CHAUDHURY: Will the Hon'ble Minister be pleased to state whether Jalpaiguri is one of the districts where compulsory primary education is going to be introduced this year?

Mr. ABDUL KHALIQ: It is not yet finally settled. The matter is under consideration of the Development Board.

Mr. NIKUNJA BEHARI MAITI: In view of the fact that in 1944-45 and in 1945-46 a large amount of money amounting to more than Rs. 3 lakhs has been deposited in the reserve fund, will the Hon'ble Minister be pleased to state how Government propose to spend that amount?

Mr. ABDUL KHALIQ: Government will permit the money to be spent according to the schemes that may be prepared and put forward by the School Board and that may have Government's approval.

Mr. NIKUNJA BEHARI MAITI: Does not the Government think it proper to increase the number of schools under that district?

Mr. ABDUL KHALIQ: This matter also comes within the purview of the School Board and it is not for Government to thrust their opinion upon the School Board.

Mr. NIKUNJA BEHARI MAITI: Does not the Government think it proper to interfere with this matter when more than one-fourth or one-fifth of the amount is not being spent each year?

Mr. ABDUL KHALIQ: The School Board is to be considered an autonomous representative democratic body and Government has got faith in its good sense and in its good management until the contrary is established.

Mr. NIKUNJA BEHARI MAITI: Is the Hon'ble Minister aware that in the constitution of the School Board there are more than half of the members who are Government nominees? And, if so, does not the Government think it proper that they should be advised to see that the whole amount is spent?

Mr. ABDUL KHALIQ: The School Board does not consist of more than half of Government nominees as the honourable member has stated. The School Board only contains as many members nominated by Government as there are subdivisions in the district and all the rest are elected except a few ex-officio members.

Mr. NISHITHA NATH KUNDU: In view of the fact that there is a large surplus money and that the School Boards are not forwarding any scheme for spending the surplus money, does not the Hon'ble Minister think it desirable that Government should take initiative in the matter and send to them not mandatory schemes but recommendatory schemes for their consideration?

Mr. ABDUL KHALIQ: Government does not propose to interfere in this particular case. If there be many cases, then Government would consider.

Mr. NIKUNJA BEHARI MAITI: In view of the last statement made by the Hon'ble Minister will he be pleased to take a survey of the conditions of the School Boards of Bengal so far as their surpluses are concerned?

Mr. ABDUL KHALIQ: The Directorate always do that and they take all cases into consideration.

Mr. MIRZA ABDUL HAFIZ: In view of the large number of population in the district of Rangpur and in view also of the fact that there is a limited number of free primary schools there, does the Government think it desirable to instruct the District School Board, Rangpur, to increase the number of schools?

Mr. ABDUL KHALIQ: Without proper data it will not be proper for Government to give that directive to the School Board, because the Government expects such schemes from the School Board itself.

Mr. MIRZA ABDUL HAFIZ: Will the Hon'ble Minister be pleased to collect the necessary data and do the needful?

Mr. ABDUL KHALIQ: I think that is the function of the School Board and Government will depend upon the School Board for this.

Mr. NAWAJESH AHMED: Will the Hon'ble Minister be pleased to state the reason for the accumulation of this surplus money in the District School Board?

Mr. ABDUL KHALIQ: There is surplus, but Government is not aware how the surplus has come about.

Mr. NIKUNJA BEHARI MAITI: May I take it that the Department of Education of the Government of Bengal is feeling helpless in two things, namely, on one side there is this accumulation of surplus and on the other helplessness of the Government of Bengal to advise the District School Board concerned to spend the surplus amount?

Mr. SPEAKER: I disallow this question.

Statement on the riot situation.

Mr. A. K. CHOSE: Mr. Speaker, Sir, you are aware that the communal disturbances in this city which began towards the end of last month are still going on with increasing tempo day by day. Despite the assurances given by the Hon'ble Chief Minister that hooliganism will be met with strong measures, it appears that knifing, killing by gunshots and acid throwing, use of bombs and crackers and arson are on the increase. This side of the House has always been ready to assist the Government in putting down all acts subversive of law and order. Unfortunately our proposals have been practically ignored and there are just grounds for the apprehension that forces of disorder have gathered courage and momentum due to the evident soft-pedalling of the law and order machinery of the administration. What is more serious, there has developed in the mind of the public a terror about the instruments of law and order. It is deplorable that excesses committed by a section of the Police Force have become events of every day occurrence.

Even yesterday, Sir, some members of this House including myself were witnesses to a case of such police excess in Amherst Street—Sitaram Ghose Street area where there appeared to have been unreasonable firing by the police as a result of which, among others, two ladies in their own houses were seriously injured.

The constitutional method open to the Opposition for drawing attention of the Government towards any menace to public safety is to move adjournment motions. This was done but our motions were disallowed. I assure you, Sir, that I mean no reflection on you in stating that in the opinion of our party, they were disallowed on grounds which appeared to us not quite satisfactory. Failing in our attempt, the Deputy Leader of our party made a statement on the floor of this House on the 25th instant. The Hon'ble Mr. Mohammad Ali, Finance Minister, who was deputising then in place of the Chief Minister, thereupon expressed a desire to meet the leaders of the different parties in the House at a conference. Accordingly, several of us along with the leaders of the other parties met him on the 26th April and had a frank and full discussion about the measures which alone can put down all subversive activities quickly and effectively. The proposals put forward from our side were not new as most of these had been made in the Advisory Committee by the Leader of our party and had been accepted and agreed to without objection by the Committee including the Hon'ble Chief Minister. From the increasing tempo of the killings which include men of learning and of professional standing, the deduction is inevitable that our proposals have not been implemented and the Government has maintained a policy of masterly inactivity, so far as assassins and hooligans are concerned. In spite of this attitude of the Government, we agreed to attend this conference because we claim, Sir, that we, on this side of the House,

desire restoration of peace and return of confidence. The proposals which were generally agreed to by the Hon'ble Mr. Mohammed Ali after discussion in the conference are as follows:—

(*i*) Immediate withdrawal of Punjabi Police at least from mixed areas or areas of one community through which the other passes. If this suggestion cannot be given effect to for administrative reasons immediately mixed pickets should be posted. By mixed pickets equal number of Gurkha and of Muslim Police is meant. There should also be a responsible officer not below the rank of Sub-Inspector over a particular picket post or a group of picket posts who would contact and control these pickets and also maintain contact with the public. These officers should be Hindu where casualties have been Hindus and Muslim where the casualties have been of the latter community.

Today we have been informed that for the present this suggestion for the withdrawal of the Punjabi Police cannot be accepted and the present arrangements must continue. Nor can mixed or alternate pickets be arranged. No special officers can now be deputed to be specially in charge of the pickets and to maintain close liaison with the people and enquire into their grievances, if any, against these pickets.

(*ii*) Sudden and simultaneous cordoning and searches of bad localities with the help of the Military and the Intelligence Branch. The Military will take the initiative immediately and they will be helped by the Intelligence Branch of the Bengal Police

This suggestion we have been informed to-day has been accepted in principle but this cannot be done unless a batch of men from the Bengal Police is available. We reiterate our suggestion for the Military and the Intelligence Branch.

(*iii*) Immediate arrest and jail custody of all notorious bad characters including all those who were in jail custody during the war.

We were informed yesterday that up till now there was no proposal for arresting bad characters and for keeping them in jail custody and this suggestion will now be taken up. We were also informed that the total number of persons arrested and externed since August last is 1,165 + 94 only.

(*iv*) Searches of buses, trucks and lorries at key-points including approaches to Calcutta by the Military and Intelligence Branch, as crackers and brickbats have frequently been observed to be thrown from these conveyances. The Hon'ble Minister said that this is being done, though we have never seen any such thing.

(*v*) Wherever there are pockets of one community surrounded by another, the members of the other community should be bound down for the safety and protection of the life and property of that community. The Minister said that the proposal is under consideration.

(*vi*) An immediate and sitting enquiry by a responsible officer is to be made of the incidents reported by the members of the Congress Assembly Party in presence of the members making such complaint. We have very strong grievance on this point and we shall now see if the Minister's words are honoured and enquiry properly done.

(*vii*) It was also urged that the Government should issue a stern warning to the Thana Officers and compel them to change their policy, regarding prompt action on receipt of any information received from an Assembly Member or a member of the public

and also about the rounding up of the *goondas* known to them within their jurisdiction. This was supported also by Mr. Jyoti Basu. But the Government paid no heed, saying that it is their duty to be responsible.

(*viii*) The question of posting Thana Officers was raised but no decision was taken as a discussion was due in the Advisory Committee.

(*ix*) It was also urged that the different members of the Congress Assembly Party have made complaints about the activities of the Muslim National Guard to the Commissioner of Police but no action has been taken. I believe that firm action early taken on receipt of information against these activities of the Muslim League National Guards at the time will have greatly minimised the present troubles even if it could not prevent its recrudescence.

We wanted to know in how many cases have offenders been brought to trial since the disturbance began on March 25. We have been told that during the period 25th March to 20th April only 40 have been sent up, 222 likely to be sent up and 5,501 have been arrested for violation of curfew. Of these 40 persons already sent up, 3 have been sent up from the Jorabagan thana, 29 from Burtola, 6 from Burrabazar and 2 from Beliaghata and "nil" from the other thanas. Mr. Wordsworth enquired if any person had been sent up on a charge of murder but we could not get any information.

I do not want to make unduly hard comments but I am constrained to say, Sir, that the report we received is not at all encouraging. I would not discuss every point but would like to refer to some points in particular. I refer first to our demand for the withdrawal of the Punjabi Police, which has been turned down. I refer, secondly, to the action taken against notorious bad characters. It is astonishing that up till now the Government had no plan to round up these bad characters. It is still more astonishing that they did not think it necessary to put them in preventive custody and contented themselves with mere externment, which, as is well known, is most ineffective. Then again only 1,259 persons have been externed since last August; though during the War about 5,000 persons were placed under preventive custody. The same remarks apply to the figures of persons already sent up for trial. The total number is only 40 and practically none has been sent up from any Muslim majority area thana and it is not known whether anybody has been sent up on the charge of murder. The causes of the continuation of the present riots may be found there.

The situation has not improved, Sir, in these three days. Since our first meeting with the Hon'ble Finance Minister, a very brilliant doctor, who was a humanitarian worker as well, has been killed by revolver shots. Several persons were arrested in this connection but report goes that those persons have been allowed bail. If this is true, and I hope it is not true, it is a sad commentary on the attitude of the Government. I am not going to mention how persons unnecessarily arrested, respectable people including children, have not been allowed bail even when arrested on minor charges and if allowed at all, at very high figures. All our suggestions, all our proposals, all our efforts become futile if this attitude is persisted in.

I find that the Hon'ble Chief Minister has returned from Delhi. The proposals that we discussed with the Hon'ble Mr. Mohammed Ali, now come within the Chief Minister's will to execute. I shall be obliged, Sir, if he would kindly inform us whether and how Government intend, if at all, to implement the proposals which we discussed in conference with the Hon'ble Mr. Mohammed Ali.

Mr. MUHAMMAD HABIBULLAH CHAUDHURY: Mr. Speaker, in view of the fact that the statement just now made is one-sided——

Mr. SPEAKER: I will not allow you to make a statement.

Mr. MUHAMMAD HABIBULLAH CHAUDHURY: I am not making any statement. I am drawing your attention to the fact that there was an incident in Sabjibagan——

Mr. SPEAKER: No, I do not allow any debate on this.

The Hon'ble Mr. H. S. SUHRAWARDY: Sir, I am not disposed at this stage to make a statement or to give a long and detailed answer to the statement made by the honourable Secretary of the Congress Party. These are matters—matters which have been raised by him—which are under the consideration of Government. It is true that Government have not been able to accept some of the suggestions. I would like further to point out to the House that matters are far more serious than can be met by statements, counter-statements, replies, retorts or jibes. I am glad to be assured by the honourable members opposite that they are as anxious as Government is to restore normality and to bring about peace and quiet in the city of Calcutta. It cannot be considered that all the suggestions of the honourable members can be put into operation but I can assure them that the suggestions made by them as well as by members of the Advisory Committee always receive the consideration of Government and they help in a very large measure to introduce new policies into Government action.

Sir, I would refer, however, to two or three matters which have been referred to in passing. One is a rather oblique reference to a section of the police against whom the honourable members opposite appear to have a grievance. We have already pointed out on the floor of this House that nothing is gained by attacking one or the other section of the police other than reducing their morale and making them useless almost as guardians of order. For this purpose we have had to introduce the pre-censorship order and we hope that it would have some good effect on their attitude. I do not wish, Sir, to reply to statements on the floor of the House which I have said too often, namely, that the section of the police that the honourable members are referring to are a section that had behaved in a very proper manner and Government have always taken note of any reports or complaints that have been made against them.

The honourable member has referred to what is called unreasonable firing which took place yesterday. I believe this was a case where a bomb was thrown on a police picket and not only was a bomb thrown on a police picket but a number of young men were found armed with revolvers who were shooting the police on the street at random. Thereupon the police in reply had to fire and if unfortunately two ladies in the house have been injured, this is the first time that we hear of it and it is most deplorable. I can only say this and I do hope and trust that the police who are there will not be made the targets of bomb attacks or of firing and if they are made targets then there will be reply and this will be most deplorable.

Sir, there is one other matter, namely, a reference has been made to an eminent doctor who was shot by certain people when attending to his practice. I was at Delhi at the time when the report reached there and I must confess that I received a very serious shock and it caused me great pain to hear of this occurrence. But the matter is now in the hands of the Detective Department. As soon as I came back I made enquiries and the Police are definitely of the opinion—I wished this to be a definite opinion because this must have caused a considerable amount of anxiety and pain not only to the relatives but to the community to which he belonged—that it was not a case of a communal character and that this was not a case of any Muslims having shot at this doctor. Enquiries have been made and the report——(Noise and interruption from the Congress Benches.)

Mr. HARIPADA CHATTERJEE: Can he show the report?

The Hon'ble Mr. H. S. SUHRAWARDY: Sir, I am just pointing out to you that an enquiry has been made by the Police and this is the report which they have placed before me. I asked the Police definitely whether I could make a statement like this in public and they said that I could do so and that they took the fullest responsibility for the correctness of that statement. At that particular time the doctor was attending a Muslim patient and there were 4 more Muslim patients outside waiting to be attended to. He was a doctor who was very popular with the Muslims not only of that locality but a person for whom I entertained the highest regard. Sir, the incident which has taken place has nothing to do whatsoever with communal occurrences. Some day it will be ultimately found out what is the reason behind this. Whoever has done it there is no doubt that we all deplore it, but please do not put a communal complexion on it and excite members of a particular community to retaliate. Sir, I need not say anything more at the present moment in the midst of the measures which have been suggested by the honourable member opposite. Steps are being taken and I hope that I shall be in a position to make a statement before the House as to what steps Government have been taking. I hope the honourable member and his party will be satisfied.

GOVERNMENT BILL.

The Bengal Tenancy (Amendment) Bill, 1947, as passed by the Bengal Legislative Council.

The Hon'ble Mr. FAZLUR RAHMAN: I think, Sir, no case has been made out and no reasons put forward which deserve reply from me. I oppose the circulation motion.

The motion of Mr. A. K. Ghose by way of amendment that the Bengal Tenancy (Amendment) Bill, 1947, as passed by the Bengal Legislative Council be circulated for the purpose of eliciting opinion thereon by the 30th April, 1947, was then put and lost.

The motion of the Hon'ble Mr. Fazlur Rahman that the Bengal Tenancy (Amendment) Bill, 1947, as passed by the Bengal Legislative Council, be taken into consideration, was then put and agreed to.

Clause 1.

The question that clause 1 stand part of the Bill, was then put and agreed to.

Clause 2.

The question that clause 2 stand part of the Bill, was then put and agreed to.

Clause 3.

The question that clause 3 stand part of the Bill, was then put and agreed to.

Clause 4.

Mr. SURESH CHANDRA DAS GUPTA: Sir, I beg to move that in clause 4 last line, after the words and figures "of section 12" the words "the proof of which service will be such as is prescribed under the Act" be inserted.

section এ বলা হয়েছে যে একটা notice পাঠাতে হবে কিন্তু সেই নোটিস জারী তার প্রমাণ সম্বন্ধে নিয়ম যদি কিছু লেখা না থাকে তাহলে অত্যন্ত গন্ডগোল হয়। আইনের স্থানী ডাকে পাঠালে তার একটা প্রমাণ থাকে কিন্তু রেজিষ্টী ডাকে না পাঠিয়ে অন্য কোন

উপায়ে পাঠালে তার কি প্রমাণ থাকবে? এই জিনিষটা নিয়ে আদালতে সর্বদা একটা গন্ডগোলের সৃষ্টি হয়। যে আইনটা এসেছে তার জীবনকাল স্বল্পকাল স্থায়ী, কেন না State Land Acquisition বিল যদি পাশ হয়ে যায় তাহলে এই আইনের ধারাগুলির কোন কার্যকারিতাই থাকবে না। অল্প দিনের আইন—তার কাজটা যাতে ভালভাবে হয়ে যায় তার ব্যবস্থা করা উচিৎ। আদালত সম্বন্ধে যাঁদের একটু জ্ঞান আছে তাঁরা জানেন যে নিলাম রদের মামলায় ও হানির মামলায় নোটিশ জারীর, সমন জারীর একটা প্রমাণ দিতে হয় তা না হলে একটা বিরাট ব্যাপার হয়ে উঠে। সেইজন্য আমি মনে করি পূর্বেই যে rules তৈরী হবে সেটা এমনভাবে লিখিত হওয়া উচিত যাতে ভবিষ্যতে মামলা মোকদ্দমার ক্ষেত্রে অযথা সময় নষ্ট ও অর্থব্যয় না হয়।

The Hon'ble Mr. FAZLUR RAHMAN: I consider that this amendment is unnecessary. Sir, I oppose it.

The motion of Mr. Suresh Chandra Das Gupta that in clause 4, last line, after the words and figures "of section 12" the words "the proof of which service will be such as is prescribed under the Act" be inserted, was then put and lost.

The question that clause 4 stand part of the Bill, was then put and agreed to.

Clause 5.

The question that clause 5 stand part of the Bill, was then put and agreed to.

Clause 6.

The question that clause 6 stand part of the Bill, was then put and agreed to.

Clause 7.

Mr. A. F. STARK: Sir, I beg to move that in clause 7(*1*), lines 3 to 7, for the words and figures commencing with "and all such provisions" and ending with "the twenty-seventh day of August, 1947" the following be substituted, namely:—

"Provided that for a further period of five years with effect from the twenty-seventh day of August, 1947, all such provisions relating to enhancement of rent of a *raiyat* or an under-*raiyat* shall be operative subject to the following restrictions:—

(*a*) Where an enhancement is claimed on the ground of a rise in prices the amount of the enhancement shall not exceed twenty *per centum* of the present rent; and

(*b*) Where an enhancement is claimed on the ground of a landlord's improvement the amount of the enhancement shall not exceed ten *per centum* of the amount expended on the improvement."

Mr. Speaker, Sir, it is a little difficult to understand the object of this amendment Bill as the Statement of Objects and Reasons to the Bill as introduced does not sound at all convincing. It is stated that the reason for further suspension of enhancement of agricultural rents is the present high prices which have not yet stabilised themselves. Well, Sir, enhancements of rents were suspended 10 years ago and the ground then was the agricultural depression and the low prices which were being received by the cultivator for his produce. During the ten years of this suspension there have been no enhancements but yet the prices of economic produce, as the Hon'ble Minister knows, have gone up three to four times. This means, Sir, that the landlord has got no benefit at all from the rise in agricultural prices. Now, Sir, we would agree that it would not be sound that agricultural rents should be increased to the same extent as agricultural prices have risen. You have got to control, but what we do not understand is why

the case of urban landlords Government are prepared to allow an increase of 20 per cent. whereas in the case of agricultural tenants Government are not apparently prepared to face any increase at all. It raises the suspicion in our mind, Sir, that the real object is to keep down the value of assets required by Government under the State Acquisition Bill. Moreover, Sir, the rise of prices is not the only ground under which enhancement can be claimed under the Tenancy Act, as the Hon'ble Minister is well aware. There is the question of landlord's improvement, and I cannot see any possible ground why there should not be enhancement in the case of landlord's improvement. There is some ground that the rent is lower than the rent of similar lands—the prevailing rent of lands of similar description. I cannot see why enhancement should not be allowed in that case. There is the case of an increase in yield of a tenantry holding owing to improvement of the soil. I do not think that should be suspended. For all these reasons I suggest to the Hon'ble Minister that the proposal here is a very reasonable one. I have proposed that the increase should not exceed 20 per cent. during the next five years and that in the case of landlord's improvement enhancement should be allowed, provided that it does not exceed 10 per cent. of the expenditure. This is exactly the same as Government has provided for urban landlords in their rent-control measure.

The Hon'ble Mr. SAIYED MUAZZAMUDDIN HOSAIN: Sir, I rise to oppose the amendment. On the face of it the amendment would appear to be very fair and reasonable but considered on the background—the historical background—it will be found that it is absolutely unreasonable and unjust. I would refer the honourable member in this connection to the paragraph on fixity of rent which was considered by the Land Revenue Commission of Bengal. They had considered the fact whether the rents of the Bengal *raiyats* should be fixed in perpetuity or not and in that connection they have found that at the time of the Permanent Settlement the Court of Directors had sent out definite orders to the effect that the rent of the *raiyat* should be as fixed as the revenues of the zamindars. I quote that direction. "It is an object of perpetual settlement that it sould secure to the great body of the *raiyats* the same equity and certainty as to the amount of their rents, and the same undisturbed enjoyment of the fruits of their industry which we mean to give to the zamindars themselves." That was the actual direction, Sir, and attempts were made to enact laws from time to time in order to give effect to that direction by restricting the rate of rent to the parganas rent, but subsequently all this was forgotten and later on in the landlord-ridden Council provisions were made for enhancement of rents of lands. Even at that time some of the Europeans acquainted with the history of the Permanent Settlement vehemently objected to that, for example, Mr. Mackenzie and Mr. O'Conally raised objections that there could be no provision in the Rent Law how far enhancement of rent of *raiyats* as their rents were restricted to pargana rate. As a matter of fact the Land Revenue Commission gave their findings to this effect: "It is not unlikely that fixing of a fair rent would lead in many cases to enhancement which would go entirely to the proprietors and tenureholders and not to Government. In the view of the majority there can be no justification for such an enhancement in the present situation. That can only be justified if it goes to Government and Government return the benefit of this enhancement in the shape of improved social services." So the finding of the Land Revenue Commission was that an enhancement was justified if the enhanced rent went to the coffer of the state which could return the benefits to the people in the shape of social services but zamindars were not entitled to such enhancement. As a matter of fact when the zamindars' representatives submitted their note of dissent, they themselves admitted also that they di[illegible] ot want any enhancement of rent. To quote it from the note of dissent [illegible] e Maharajadhiraja Bahadur of Burdwan, he has mentioned definitely [illegible] ge 256 that "landlords have no mind to rackrent or plunder *raiyats*. [illegible] o not seek to enhance rents ordinarily and stand for fixity of rent

in normal circumstances. It is only in the case of improvements effected by landlords that a legitimate return of their investments should be assured". Only when there is an investment they want a legitimate return of that investment in the shape of enhancement of rent. Otherwise they would stand for the fixty of rent. This is even the statement of the zamindar representative in the Floud Commission. So I say there is not at all any justification for any enhancement of rent of the *raiyats* so long as the *raiyats* continue to be under the landlords, but when they come under the State, of course fair rents will be settled from time to time, considering not only rise in prices but various other factors including the economic condition of the *raiyats*. With these few words I oppose the motion.

The Hon'ble Mr. FAZLUR RAHMAN: Mr. Speaker, Sir, Mr. Stark has raised the question why the rent should not be enhanced when other considerations like the landlords' improvement or their connection with the land is there. With regard to the rise in prices I find that Mr. Stark is conscious of the weakness of his case and if the high prices——

Mr. SPEAKER: Mr. Fazlur Rahman, I find that there are other members who have motions in their names and they may want to move their motions and speak. So, would you kindly resume your seat now.

Mr. RAMHARI ROY: Sir, I beg to move that in clause 7 (*1*), line 5, for the word "five" the word "ten" be substituted.

Sir, my object in moving this amendment is that the enhancement of rent be suspended for a period of ten years instead of five. Honourable members of this House know that the process by which the Government proposes to do away with the intermediary rent-receiving interests is a long-term one. It cannot be finished in five years. I am afraid if they will be able to abolish the intermediary interests within ten years or so. Honourable members perhaps know that before this amendment was introduced here this section was amended earlier and in that amendment Government suspended enhancement of rent for a period of ten years. In these circumstances I cannot see any reason why the Government should not be consistent with their past conduct, and in the fitness of things they should now accept my amendment. The Government poses to be the benefactor of the tenants, and I do not see why my amendment should not be accepted by them. With these words, Sir, I commend my motion to the acceptance of the House.

Mr. A. F. STARK: Sir, I beg to move that in clause 7 (*1*), line 5, for the word "five" the word "two" be substituted.

I would suggest to the Hon'ble Minister, Sir, that even if he is not prepared to accept my amendment No. 5—which he is apparently not prepared to accept—five years is an unreasonable period to carry this suspension. Surely, the prices will stabilise themselves in a shorter period than five years and, in any case, if they do not stabilise within a period of two years, the matter can be reviewed in this legislature. I, therefore, suggest to him that it is unreasonable to suspend for as long a period as five years.

I also beg to move that in clause 7 (*2*) (*a*), line 5, for the word "inoperative" the words, figure and brackets "operative subject to the restrictions in the proviso to sub-section (*1*)" be substituted.

This amendment is mere consequential of amendment No. 5.

Mr. RAMHARI ROY: I beg to move that in clause 7 (*2*) (*a*), line 6, for the word "five" the word "ten" be substituted.

As I have already stated, my amendment is the inevitable result of my previous amendment because I want suspension for 10 years for the benefit of the tenants.

I also beg to move that in clause 7 (*2*) (*b*), line 7, for the word "five" the word "ten" be substituted.

The reasons I have already stated.

Mr. A. F. STARK: I beg to move that in clause 7 (*2*) (*b*), line 10, for the word "inoperative" the words, figure and brackets "operative subject to the restrictions in the proviso to sub-section (*1*)" be substituted.

This amendment is also consequential of amendment No. 5.

Mr. RAMHARI ROY: I beg to move that in clause 7 (*2*) (*b*), line 10, for the word "five" the word "ten" be susbstituted.

This amendment is consequential of my previous amendment.

The Hon'ble Mr. FAZLUR RAHMAN: As I was saying, the case of Mr. Stark on the ground of prices is very lukewarm and he has realised it. From his other amendment it shows that his position is weak. But even then I would say that if, as is the practice, price is the basis for improvement, abnormal prices—abnormally high and abnormally low prices—are excluded. If it is taken like that, then there will hardly be any case for enhancement of rent because the present rate is on the basis of normal prices.

Then with regard to the question of improvement, there has hardly been any case under the existing law in which the landlords have ever claimed enhancement on that ground. With regard to the question of landlord's improvement, under the law landlord's improvement has to be registered, but during the long continuance of the existing Act, there is hardly any case where the landlord has ever registered any improvement. That shows that these two classes of cases are rare and obsolete. Therefore, Sir, by this Act the zemindar is really very little affected, and, as such, I oppose all the amendments.

With regard to the question of 5 years, the reason why we have done it is that we consider that it will take another five years before the normal conditions could prevail and another reason is that in the State Acquisition Act we have provided for the standard rate and fair and equitable rate will be ascertained under the State Acquisition Act and, if that is so, the question of enhancement will not arise. In view of all these circumstances, I oppose all the amendments moved by Mr. Stark and Mr. Ramhari Roy.

The motion of Mr. A. F. Stark that in clause 7(*1*), lines 3 to 7, for the words and figures commencing with "and all such provisions" and ending with "the twenty-seventh day of August, 1947" the following be substituted namely:—

> "Provided that for a further period of five years with effect from the twenty-seventh day of August, 1947, all such provisions relating to enhancement of rent of a *raiyat* or an under-*raiyat* shall be operative subject to the following restrictions:—
>
> (*a*) Where an enhancement is claimed on the ground of a rise in prices the amount of the enhancement shall not exceed twenty *per centum* of the present rent; and
>
> (*b*) Where an enhancement is claimed on the ground of a landlord's improvement the amount of the enhancement shall not exceed ten *per centum* of the amount expended on the improvement."

was then put and lost.

The motion of Mr. Ramhari Roy that in clause 7(*1*), line 5, for the word "five" the word "ten" be substituted was then put and lost.

The motion of Mr. A. F. Stark that in clause 7 (*1*), line 5, for the word "five" the word "two" be substituted was then put and lost.

Mr. SPEAKER: There is no necessity to put other amendments to vote because these are dependant on the previous three amendments.

The question that clause 7 stand part of the Bill was then put and agreed to.

Clause 8.

The question that clause 8 stand part of the Bill was then put and agreed to.

Clause 9.

Mr. SPEAKER: There is an amendment to clause 9 but that cannot be moved because that is dependant on amendment No. 4.

The question that clause 9 stand part of the Bill was then put and agreed to.

Preamble.

The question that the Preamble stand part of the Bill was then put and agreed to.

(At this stage the House was adjourned for 15 minutes.)

(*After adjournment.*)

The Hon'ble Mr. FAZLUR RAHMAN: Sir, I beg to move that the Bengal Tenancy (Amendment) Bill, 1947, as settled in the Assembly, be passed.

Mr. CANENDRA CHANDRA BHATTACHARJEE: Mr. Speaker, Sir, আমি এই বিল সম্বন্ধে কয়েকটি বিষয়ের প্রতি গভর্ণমেণ্টের দৃষ্টি আকর্ষণ করতে চাই। B. T. Act এর section 23তে যদিও জমির যে কোন মালিকের ন্যায় Raiyat এর সকল অধিকার স্বীকার করা হয়েছে কিন্তু কার্য্যত: এই অধিকার দেওয়া হয় নাই। একটা case হয়েছিল Raja Kamala Ranjan vs. others তাতে একজন প্রজার জমিতে পুকুর কেটেছিল বলে High Court এর বিচারের ফলে তাকে জমি থেকে উচ্ছেদ করা হ'ল, দেখুন 45 C. W. N. 464. কাজেই এটা ঐভাবে সংশোধন করা প্রয়োজন। যাতে প্রজার অধিকার অক্ষুণ্ণ থাকে sections 23, 76 এবং 155 এরও সংশোধন হওয়া উচিত। আর section 26(*g*) এ আছে যে Mortgagor৷ Mortgagee দের কাছ থেকে possession ফিরিয়ে নেওয়ার provision আছে কিন্তু সেটা কেবলমাত্র usufructuary Mortgagee ভিন্ন অন্য Mortgagee দের বেলায় খাটে না। এ সম্বন্ধে High Court এর Full Bench এর রায়ের প্রতি দৃষ্টি আকর্ষণ কচ্ছি, দেখুন 50 C. W. N. 578 (F. B.) 81 C. L. J. 16, এটার পরিবর্ত্তন হওয়া দরকার। আর একটা হ'চ্ছে section 168A তাতে যদিও intention of the law is that the decree for rent should be executed only by the attachment and sale of the holding—ডিক্রির জমিই নেওয়া উচিত; Decree holder আর কিছু পাবে না অথচ Decreed land ভিন্ন খাজনা আদায়ের জন্য Arrest এরও provision আছে। দেখুন 50 C. W. N. 181, প্রজাদের সুবিধার জন্য এই কয়েকটি section এর পরিবর্ত্তন করা দরকার। আমি আশা করি গভর্ণমেণ্ট বিল এনে এর ব্যবস্থা করবেন।

The Hon'ble Mr. FAZLUR RAHMAN: A more comprehensive legislation has been undertaken under the proposed State Acquisition Act and my friends opposite would, I hope, help me in getting it through as quickly as possible. In that case the contention of my friend need not be upheld.

The motion of the Hon'ble Mr. Fazlur Rahman that the Bengal Tenancy (Amendment) Bill, 1947, as settled in the Assembly be passed, was then put and agreed to.

Mr. SPEAKER: Is this the desire of the House that no further business should be taken up today?

Mr. GANENDRA CHANDRA BHATTACHARJEE: Sir, it would be better if we sit earlier and dissolve earlier.

Mr. SPEAKER: We can rise a little earlier to-day. Tomorrow when the other Bill will be taken up we shall have to sit a little longer.

Adjournment.

The House was adjourned at 5-55 p.m. till 3-45 p.m. on Thursday, the 1st May, 1947, at the Assembly House, Calcutta.

Proceedings of the Bengal Legislative Assembly assembled under the provisions of the Government of India Act, 1935.

The Assembly met in the Assembly House, Calcutta, on Thursday, the 1st May, 1947, at 3-45 p.m.

Present:

Mr. Speaker (the Hon'ble Mr. Nurul Amin) in the Chair, 6 Hon'ble Ministers and 159 members.

STARRED QUESTIONS

(to which oral answer was given)

Compensation to persons of Feni subdivision affected by enemy air raids.

***250. Mr. HARAN CHANDRA GHOSH CHOWDHURY:** (*a*) Will the Hon'ble Minister in charge of the Home Department be pleased to state—

(*i*) on how many occasions the civil populations of the Feni subdivision in the Noakhali district were affected by enemy bombing from 1942 to 1944;

(*ii*) what are the numbers of the casualties of dead, injured and permanently disabled; and

(*iii*) whether Government have granted any compensation to the persons affected by bombing or to their dependants?

(*b*) If the answer to (*a*) (*iii*) is in the affirmative, will the Hon'ble Minister be pleased to state the rate of compensation granted to the persons or to their dependants *per capita* of the dead and permanently disabled?

(*c*) If the answer to (*a*) (*iii*) is in the negative, will the Hon'ble Minister be pleased to state if he is considering the desirability of granting any compensation to the persons abovementioned?

(*d*) Will the Hon'ble Minister be pleased to state if it is a fact that the then Subdivisional Officer of Feni, Mr. Gordon, I.C.S., and the Second Officer, Mr. Rizvi, got compensation of Rs.2,000 and Rs.800 respectively for the loss of their personal belongings?

(*e*) If the answer to (*d*) is in the affirmative, will the Hon'ble Minister be pleased to state under what head the compensation was sanctioned?

(*f*) Is it a fact that an amount of Rs.500 only was distributed by lottery among the civilian casualties who were affected by bombing?

(*g*) Will the Hon'ble Minister be pleased to state how many homesteads and business premises were destroyed by enemy bombing in the same subdivision during the same period?

(*h*) Have the Government granted any compensation to the persons for the loss of their homesteads and business premises including other properties and belongings?

(*i*) If the answer to (*h*) is in the negative, will the Hon'ble Minister be pleased to state if he is considering the desirability of granting any compensation to the persons so affected?

(*j*) If the answer to (*i*) is in the affirmative, will the Hon'ble Minister be pleased to state (1) the proposed amount and (2) basis of grant of the compensation?

(*k*) Is it a fact that the then Subdivisional Officer of Feni announced by beat of drums that no businessmen would be allowed to remove their goods from the Feni town and nearabout places and that shops were actually guarded by the police to prevent merchants from removing their merchandise?

(*l*) Will the Hon'ble Minister be pleased to state if on a representation by Mahatma Gandhi in January and February, 1946, the then Governor, His Excellency Mr. Casey, agreed to grant compensation to the persons affected by bombing in the form of relief or otherwise and asked for an enquiry on the subject?

(*m*) If so, will the Hon'ble Minister be pleased to state (1) the result of the enquiry and (2) what action, if any, Government propose to take on the report?

(*n*) Will the Hon'ble Minister be pleased to lay on the Table a copy of the report for the information of the members?

Mr. ABDUL KARIM (on behalf of the Hon'ble Mr. H. S. Suhrawardy): (*a*)(*i*) Ten.

(*ii*) Total casualties 403 including 175 dead, 216 injured and 12 permanently disabled.

(*iii*) Relief admissible under the War Injuries Scheme was awarded in all cases.

(*b*) A statement showing the rates of different kinds of allowances admissible under the War Injuries Scheme is laid on the Table.

(*c*), (*i*) and (*n*) Do not arise.

(*d*) Mr. Gordon was paid Rs. 2,500 and Mr. Rizvi Rs.420 only.

(*e*) "63—Extraordinary charges in India—C—Miscellaneous—Compensation for loss of personal effects of Government servants due to enemy action."

(*f*) Government are not aware of any such payment by lottery.

(*g*) Six hundred and sixty-six structures, as far as known to Government.

(*h*) Government sanctioned a scheme authorising District Magistrates to grant assistance to small owners of houses in the shape of gratuitous relief up to Rs.60 and/or loan up to Rs.500 in a single case for repairs to or construction of houses damaged by air raids.

(*j*) *Vide* answer to clause (*h*).

(*k*) No. But steps were taken to prevent unnecessary panic and maintain normal life and business.

(*l*) As a result of a representation from Mr. Gandhi the Government of India was moved to enhance the rates of relief under the War Injuries Scheme.

(*m*) The matter is still under the consideration of the Government of India.

Statement referred to in reply to clause (b) of starred question No. 250.

(i) *Temporary allowance.*—For injury incapacitating for work not less than seven days and not more than six months—

(1) where the injury is one for which relief may be given on the higher scale at the half-monthly rate of Rs. 9; and

(2) in case of any other injury at the half-monthly rate of Rs. 6-12.

(*ii*) *Disability pension.*—For injury (serious and prolonged disablement) incapacitating for work according to the degree of disability assessed as follows :—

Where the percentage of disablement is—	Relief given on the higher scale (for Civil Defence Volunteers and persons engaged in employment specified in this behalf by the Central Government, for War injuries only).	Relief not given on the higher scale.
	Rs.	Rs. a.
100	18	13 8
90	16	12 0
80	14	10 8
70	13	9 12
60	11	8 4
50	9	6 12
40 to 20	8	6 0
10	6	5 0

(*iii*) *Family pension and children's allowances.*—This is admissible to—

(1) one surviving eligible member of his family a pension at the rate of Rs. 8 per month ; and

(2) to each of his legitimate children an allowance of Rs. 2 per month.

The amount awarded as family pension or children's allowance or both in respect of a person dying as a result of a qualifying injury shall not exceed the amount which might have been awarded to that person had he qualified for a disability pension assessed on a disablement of 100 per cent.

N.B.—Payment under the scheme may be made for war service injuries sustained by Civil Defence Volunteers and War injuries sustained by gainfully occupied persons or any such other persons as may be notified in this behalf by the Central Government or War injuries causing death to persons substantially dependent on pension, annuity or other income ceasing with death. All such injuries are known as "qualifying injuries".

Mr. MUHAMMAD HABIBULLAH CHAUDHURY: Will the Hon'ble Minister be pleased to state whether compensation was paid to other Government officers as it was paid to Mr. Gordon and Mr. Rizvi?

Mr. ABDUL KARIM: Cases were dealt with by various departments, and the departmental officers were paid compensation by their respective departments. I am not in a position to say what other departments did.

Mr. MUHAMMAD HABIBULLAH CHAUDHURY: Will the Hon'ble Minister be pleased to state whether he is aware that compensation was not paid to clerks and other petty officers?

Mr. ABDUL KARIM: I am not aware of it.

Mr. MIRZA ABDUL HAFIZ: On a point of order, Sir. There is no answer to question (*a*) at the bottom.

Mr. ABDUL KARIM: May I point out that if the honourable member reads the answer carefully he will find it in answer (*c*)?

Mr. CHARU CHANDRA BHANDARI: Will the Hon'ble Minister be pleased to state, with reference to answer (*k*), what steps were actually taken against unnecessary panic and to maintain normal life and business?

Mr. ABDUL KARIM: They were asked not to remove unnecessarily from their place of business.

Mr. MAJIBUR RAHMAN: Will the Hon'ble Minister be pleased to state whether he is aware it any compensation was paid to the Feni mosque which was damaged by bombing?

Mr. ABDUL KARIM: I am not aware.

Mr. MUHAMMAD HABIBULLAH CHAUDHURY: Will the Hon'ble Minister be pleased to state whether the Government of Bengal made any representation in this connection to the Government of India before Mr. Gandhi took up the case?

Mr. ABDUL KARIM: No, Sir.

Mr. BIJOY KRISHNA SARKAR: With reference to answer (*h*) will the Hon'ble Minister be pleased to state what was the minimum amount of gratuitous relief and loan?

Mr. ABDUL KARIM: I am sorry, I am not in a position to give the detail. This relief was granted by the Commerce, Labour and Industries Department.

Mr. MUHAMMAD HABIBULLAH CHAUDHURY: Will the Hon'ble Minister be pleased to state whether he is aware that there is a strong feeling in Feni that the demands of officers like Messrs. Gordon and Rizvi were satisfied while the demands of other officers were totally ignored so far as compensation is concerned because they were petty officers?

Mr. ABDUL KARIM: Government is not aware of any such feeling.

Mr. CANENDRA CHANDRA BHATTACHARJEE: With regard to statement (*iii*)(2) in page 4 regarding allowance of Rs.2 per month for each legitimate child—মাননীয় মন্ত্রী মহাশয় বলবেন কি বর্ত্তমানে মাত্র ২৲ টাকায় একজনের খাওয়া চলে কিনা?

Mr. ABDUL KARIM: This allowance is sanctioned under the War Injuries Scheme and it was granted by the Government of India. The Government of Bengal have nothing to do with it.

Mr. CANENDRA CHANDRA BHATTACHARJEE: Will the Hon'ble Minister be pleased to state if the Government of Bengal has moved the Government of India in the matter?

Mr. ABDUL KARIM: As I have already stated, they have made a representation to the Government of India in this matter.

Mr. MUHAMMAD HABIBULLAH CHAUDHURY: Will the Hon'ble Minister be pleased to state what principle was followed by Government in paying Rs.2,500 and Rs.420 to Mr. Gordon and Mr. Rizvi respectively and in not paying a paltry sum even to other petty officers?

Mr. ABDUL KARIM: The point may be that compensation was granted to Messrs. Gordon and Rizvi ex-gratia by Government as a good employer. The idea was to prevent the loss of efficiency of these two officers. It was more or less a discretionary grant and the loss of property of these individual officers was taken into consideration in giving these grants.

UNSTARRED QUESTIONS

(answers to which were laid on the table)

Distribution of cocoanut oil in Calcutta and Howrah in 1946.

85. Mr. KHAIRAT HOSSAIN: Will the Hon'ble Minister in charge of the Civil Supplies Department be pleased to state—

(*a*) total quantity of cocoanut oil distributed in Calcutta and Howrah this year;

(*b*) total quantity of cocoanut oil given to Muslim firms of Calcutta and Howrah;

(*c*) whether the Government propose to increase the quantity of cocoanut oil for Muslim firms; and

(*d*) if so, when?

MINISTER in charge of the CIVIL SUPPLIES DEPARTMENT (the Hon'ble Mr. Abdul Cofran): (*a*) Two thousand six hundred and eighty-four tons.

(*b*) One thousand and sixty-three tons.

(*c*) Yes.

(*d*) As soon as the supply position improves.

Mr. BADIUZZAMAN MUHAMMAD ILIAS: Will the Hon'ble Minister be pleased to state, whether Government considers the desirability of decontrolling cocoanut oil?

Mr. ESKANDAR ALI KHAN: The matter does not lie with the Government of Bengal.

Mr. BADIUZZAMAN MUHAMMAD ILIAS: Will the Hon'ble Minister be pleased to state whether Government is aware that consumers feel much difficulty in getting cocoanut oil and they do not get it without spending money by unfair means?

Mr. ESKANDAR ALI KHAN: I have no such information.

Mr. SURESH CHANDRA DAS GUPTA: মাননীয় মন্ত্রী মহাশয় অনুগ্রহ করে বলবেন কি যে কলিকাতায় এখন যে মোটেই নারিকেল তৈল পাওয়া যায় না সে সম্বন্ধে তিনি কোন খবর রাখেন কিনা?

Mr. ESKANDAR ALI KHAN: I have no such information.

Mr. SURESH CHANDRA DAS GUPTA: মাননীয় মন্ত্রী মহাশয় অনুগ্রহ করে বলবেন কি যে খাঁটি নারিকেলের তেল কিনতে পাওয়া যাচ্ছে না আর বাজারে গন্ধ তেল তৈরী এবং বিক্রয় বেড়ে যাচ্ছে, এর সঙ্গে এই তেল না পাওয়ার কি কোন সম্বন্ধ আছে?

Mr. ESKANDAR ALI KHAN: I have nothing further to add.

Mr. MIRZA ABDUL HAFIZ: Will the Hon'ble Minister be pleased to state how many Muslim and non-Muslim firms were dealers in cocoanut oil in Calcutta?

Mr. ESKANDAR ALI KHAN: I ask for notice.

Mr. MIRZA ABDUL HAFIZ: Will the Hon'ble Minister be pleased to state the reason why differential treatment was meted out between Muslims and non-Muslims in respect of this matter?

Mr. ESKANDAR ALI KHAN: I have nothing further to add.

Mr. CHARU CHANDRA BHANDARI: Will the Hon'ble Minister be pleased to state what is the purpose for which cocoanut oil is utilised by the firms in Calcutta and Howrah?

Mr. ESKANDAR ALI KHAN: For manufacture of perfumery and washing soap, and they are also given for retail sale.

Mr. CHARU CHANDRA BHANDARI: Is the Hon'ble Minister aware that cocoanut oil is utilised for other purposes as well and sent to black market?

Mr. ESKANDAR ALI KHAN: No, it is not utilised for any other purpose.

Mr. MUHAMMAD HABIBULLAH CHAUDHURY: Will the Hon'ble Minister be pleased to state why the distribution of cocoanut oil at the present moment has been stopped by the Government?

(No reply.)

Mr. MUHAMMAD HABIBULLAH CHAUDHURY: Will the Hon'ble Minister be pleased to state whether it is a fact that the officer who is in charge of cocoanut oil just at the present moment for some reason or other has not been allowed to take to the work of distribution?

Mr. ESKANDAR ALI KHAN: No, I have no such information.

Mr. MUHAMMAD HABIBULLAH CHAUDHURY: Will the Hon'ble Minister be pleased to state whether attempts are being made to transfer this officer who has just been posted there before he has taken up the work?

Mr. ESKANDAR ALI KHAN: I am sorry I have no such information.

Mr. AMULYA CHANDRA ADHIKARI: In view of the answer given in (*b*), will the Hon'ble Minister be pleased to state the total quantity of cocoanut oil given to Hindu firms in Calcutta and Howrah?

Mr. ESKANDAR ALI KHAN: It obviously follows that the rest of the cocoanut oil was distributed to the Hindu firms.

Mr. AMULYA CHANDRA ADHIKARI: Will the Hon'ble Minister be pleased to state the total quantity distributed so far in Calcutta and Howrah?

Mr. ESKANDAR ALI KHAN: The answer is there—2,684 tons.

Mr. AMULYA CHANDRA ADHIKARI: Will the Hon'ble Minister be pleased to state whether false permits were issued in case of the distribution of cocoanut oil as was done in the case of iron and steel control?

Mr. SPEAKER: I do not allow it.

Mr. MUHAMMAD HABIBULLAH CHAUDHURY: Will the Hon'ble Minister be pleased to state when cocoanut oil was last distributed in Calcutta?

Mr. ESKANDAR ALI KHAN: I am sorry, I cannot say.

Mr. CHARU CHANDRA BHANDARI: Is Government aware that cocoanut oil is used by the women folk of this country as hair oil for their bath and that to most of them it is indispensable?

Mr. ESKANDAR ALI KHAN: Yes.

Mr. CHARU CHANDRA BHANDARI: In view of the fact that cocoanut oil as hair oil is in great shortage, do the Government contemplate the desirability of increasing the quantity of cocoanut oil to be distributed as hair oil and decreasing that of the cocoanut oil distributed to firms for purposes other than hair oil?

Mr. ESKANDAR ALI KHAN: Yes, it will be considered.

Mr. SURESH CHANDRA DAS GUPTA: মাননীয় মন্ত্রীমহাশয় অনুগ্রহ করে বলবেন কি যে কলিকাতায় আমরা যথেষ্ট চেষ্টা করেও নারিকেল তৈল পাচ্ছি না—তিনি কি কয়েকটি দোকানের নাম করে দিতে পারেন যেখানে উপযুক্ত দামে খাঁটি নারিকেল তৈল পাওয়া যেতে পারে?

(No Answer.)

Mr. MD. OSMAN GANI: Is the Hon'ble Minister aware that 500 maunds of cocoanut oil are still in stock under the head "Perfumeries"?

Mr. ESKANDAR ALI KHAN: I cannot say.

Mr. SHARFUDDIN AHMAD: Is the Hon'ble Minister aware that there has been disquiet in many Bengalee houses for want of supply of cocoanut oil?

Mr. ESKANDAR ALI KHAN: Yes, there is scarcity of cocoanut oil.

Sale of 600 bags of sugar on false permits at Netrakona.

86. Mr. AKBAR ALI: Will the Hon'ble Minister in charge of the Civil Supplies Department be pleased to state—

(*a*) whether it is a fact that 600 bags of sugar were sold by a wholesale dealer on false permits issued by the Subdivisional Controller's Office at Netrakona in 1946; and

(*b*) if so, what steps Government have taken in the matter?

The Hon'ble Mr. ABDUL GOFRAN: (*a*) Yes. These bags were drawn from 3 wholesale stockists of the subdivision.

(*b*) The case has been handed over to the Police and they are investigating. Three of the clerks of the office concerned have been placed under suspension in this connection.

Mr. SURESH CHANDRA DAS GUPTA: মাননীয় মন্ত্রীমহাশয় উত্তরে বলেছেন যে পুলিশের কাছে case দেওয়া হয়েছে কিন্তু কেন দেওয়া হয়েছে এবং তার কি ফল হয়েছে তা একটু অনুগ্রহ করে আমাদের জানাবেন কি?

Mr. ESKANDAR ALI KHAN: The entire matter is under police investigation.

Mr. SURESH CHANDRA DAS GUPTA: মাননীয় মন্ত্রীমহাশয় তাহলে বলবেন কি কবে এই case দেওয়া হয়েছে?

Mr. ESKANDAR ALI KHAN: I am sorry, from the records I cannot give you the exact date.

Mr. SHAMSUDDIN AHMED KHONDKAR: Will the Hon'ble Minister be pleased to state on how many false permits these 600 bags were drawn out from the stock?

Mr. ESKANDAR ALI KHAN: There is nothing on record to show as to the number of persons to whom these false permits were alleged to have been issued.

Mr. SHAMSUDDIN AHMED KHONDKAR: Will the Hon'ble Minister be pleased to state the length of time during which it was drawn out from the stock?

Mr. ESKANDAR ALI KHAN: I am sorry I cannot give that answer.

Mr. SHAMSUDDIN AHMED KHONDKAR: Who was the signatory over these false permits?

Mr. ESKANDAR ALI KHAN: The entire matter is under police investigation. As a matter of fact, those permits are not before me.

Mr. AMULYA CHANDRA ADHIKARY:: Will the Hon'ble Minister be pleased to state the number of such corrupt practices in the Subdivisional Controller's office of the Netrakona subdivision?

Mr. SPEAKER: That question does not arise.

Mr. MIRZA ABDUL HAFIZ: Will the Hon'ble Minister be pleased to state how long after the bags were removed it was detected that they were on false permits?

Mr. ESKANDAR ALI KHAN: I am sorry I cannot give you that answer.

Mr. SHAMSUDDIN AHMED KHONDKAR: Is the Hon'ble Minister aware that all permits of the Subdivisional Supply Controller's office are to be signed by the Subdivisional Controller himself?

Mr. ESKANDAR ALI KHAN: I have already said that the entire matter is under police investigation.

STARRED QUESTIONS

(to which oral answers were given)

Unemployment Relief Scheme.

*251. **Mr. FAZLUL QADIR:** Will the Hon'ble Minister in charge of the Industries Department be pleased to state—

(*a*) when Unemployment Relief Scheme in Bengal was launched;

(*b*) how many demonstration parties were formed;

(*c*) the total number of technicians and experts that were employed and since when;

(*d*) how long these technicians and experts have been retained on temporary basis and at present what is their position; and

(*e*) whether Government propose to abolish the scheme; if so, whether Government consider it desirable to absorb the temporary staff on a permanent basis in any department of the Government?

MINISTER in charge of the COMMERCE, LABOUR and INDUSTRIES DEPARTMENT (the Hon'ble Mr. Shamsuddin Ahmed): (*a*) In 1933.

(*b*) Twenty-eight.

(*c*) One hundred and twenty since the inception of the scheme.

(*d*) As the scheme is a temporary one, the staff under it have been retained up till now on a temporary basis.

(*e*) No. It has been decided to retain the scheme on a permanent basis by attaching the demonstration parties under it to the technical and industrial institutions in Calcutta and mofussil.

Mr. FAZLUL QADIR: Will the Hon'ble Minister consider the desirability of including their past service when these appointments are made permanent?

The Hon'ble Mr. SHAMSUDDIN AHMED: Certainly, that will be considered.

Mr. SURESH CHANDRA DAS GUPTA: মাননীয় মন্ত্রীমহাশয় অনুগ্রহ করে বলবেন কি এই যে demonstration party ঘুরে ঘুরে দেশে যে কাজ করছে তাতে unemployed দের কতজন লোক এই ব্যবসা করছে তার কোন তালিকা দিতে পারেন কি?

The Hon'ble Mr. SHAMSUDDIN AHMED: Sir, does it arise in this connection? Even if it arises, I think I should ask for notice.

Mr. DEBENDRA NATH SEN: Will the Hon'ble Minister be pleased to state what is the scope and function of this unemployment relief scheme?

The Hon'ble Mr. SHAMSUDDIN AHMED: The answer is there—unemployment relief.

Mr. NIHARENDU DUTT-MAZUMDAR: Will the Hon'ble Minister be pleased to state whether this unemployment relief scheme which was adumbrated fourteen years ago was revised in the course of these fourteen years in order to put it on a permanent basis?

The Hon'ble Mr. SHAMSUDDIN AHMED: I cannot answer that question just now. In order that these persons may not wander about we are trying to put them on a permanent basis.

Mr. NIHARENDU DUTT-MAZUMDAR: Sir, I would like to repeat my question. My question was this: this temporary scheme for unemployment relief was adumbrated fourteen years ago. Since then has it been reviewed with a view to put the scheme on a permanent basis?

The Hon'ble Mr. SHAMSUDDIN AHMED: Not in the way in which the scheme was adumbrated. You will get the answer from answer (*c*), viz., "It has been decided to retain the scheme on a permanent basis by attaching the demonstration parties under it to the technical and industrial institutions in Calcutta and mofussil". The persons used to roam about here and there. That would be stopped henceforth and the work will be done through these technical and industrial institutions.

Mr. MUHAMMAD HABIBULLAH CHAUDHURY: Will the Hon'ble Minister be pleased to state how many times during the last fourteen years Government changed its policy towards these gentlemen with the change of the heads of the department?

The Hon'ble Mr. SHAMSUDDIN AHMED: I am sorry I must ask for notice.

Mr. NIHARENDU DUTT-MAZUMDAR: Will the Hon'ble Minister be pleased to state as to whether this unemployment relief scheme is confined to the unemployed people in rural areas or does it include the unemployed in the industrial areas also?

The Hon'ble Mr. SHAMSUDDIN AHMED: Originally, so far as I remember, it was meant for the rural areas. As regards industrial areas I cannot tell you anything; I ask for notice.

Mr. NISHITHA NATH KUNDU: Will the Hon'ble Minister be pleased to state the number of unemployed persons who actually got relief since the scheme was adumbrated and the nature of relief they received?

The Hon'ble Mr. SHAMSUDDIN AHMED: I ask for notice.

Mr. NIHARENDU DUTT-MAZUMDAR: Will the Hon'ble Minister be pleased to state whether Government collects any statistics of the unemployed people whom they are supposed to give relief either in rural areas or in industrial areas of Bengal?

The Hon'ble Mr. SHAMSUDDIN AHMED: No statistics have been kept up till now.

Mr. BIJOY KRISHNA SARKAR: Will the Hon'ble Minister be pleased to give us some idea of the nature of work done by the demonstration parties?

The Hon'ble Mr. SHAMSUDDIN AHMED: I ask for notice.

Mr. SURESH CHANDRA DAS GUPTA: মাননীয় মন্ত্রীমহাশয় অনুগ্রহ করে বলবেন কি পূর্বে চলমান demonstration party নিয়ে গিয়ে পাড়াগাঁয়ে লোকদের শিক্ষা দেওয়া হোত, কিন্তু বর্তমানে সকলকে সহরে এসে Technical Schoolএ শিক্ষা নিতে হবে সুতরাং লোকদের কি সুবিধার জন্য এটা পরিবর্তন করা হোল?

The Hon'ble Mr. SHAMSUDDIN AHMED: The work that was done by them was possibly criticised on the floor of this House and that is the reason why it was submitted to me that these persons should be attached to these institutions.

Mr. SURESH CHANDRA DAS GUPTA: মাননীয় মন্ত্রীমহাশয় বলবেন কি এর ভিতর কি ত্রুটী দেখা গিয়েছিল ?

The Hon'ble Mr. SHAMSUDDIN AHMED: If you give me notice, I will give the reply.

Mr. DEBENDRA NATH SEN: In view of the fact that the Hon'ble Minister is uncertain as to whether this scheme covers the unemployed in industrial areas, will the Hon'ble Minister be pleased to tell us whether he proposes to alter the scheme so as to cover the unemployed in the industrial areas, if after enquiry he finds that the industrially unemployed people are not included in the scheme?

The Hon'ble Mr. SHAMSUDDIN AHMED: So far as industrial areas are concerned, we are having other schemes. Relief centres will be opened to cover industrial areas.

Mr. MUHAMMAD HABIBULLAH CHAUDHURY: Will the Hon'ble Minister be pleased to state how many persons during the last fourteen years actually took training from the demonstration parties and took to business and industries after training?

The Hon'ble Mr. SHAMSUDDIN AHMED: I think a large number of people were trained. I cannot tell you the number off-hand. If the honourable member gives notice, I can give him the answer.

Mr. NIHARENDU DUTT-MAZUMDAR: Will the Hon'ble Minister be pleased to state what were the items of demonstrations included in the programme of 28 demonstration parties which were formed?

The Hon'ble Mr. SHAMSUDDIN AHMED: Bell-metal industries and such other industries.

Mr. NIHARENDU DUTT-MAZUMDAR: Were the energies of these demonstration parties directed towards rehabilitating the people engaged in cottage industries in these items in the villages or they were introducing new elements into those industries?

The Hon'ble Mr. SHAMSUDDIN AHMED: Both.

Mr. NIHARENDU DUTT-MAZUMDAR: Will the Hon'ble Minister be pleased to state how many permanent centres of demonstration have been opened in the course of the last fourteen years?

The Hon'ble Mr. SHAMSUDDIN AHMED: I cannot tell you off-hand.

Communal ratios in the District and Subdivisional Controllers of Civil Supplies.

*252. **Mr. ABDUL MOMIN:** (a) Will the Hon'ble Minister in charge of the Civil Supplies Department be pleased to state—

(i) the number of District Controllers and Subdivisional Controllers in Bengal; and

(ii) how many of them are Muslims?

(b) Will the Hon'ble Minister be pleased to state—

(i) whether communal ratio is maintained there; and

(ii) if not, why not?

(c) Will the Hon'ble Minister be pleased to state by which time the ratio is likely to be made up?

(d) Will the Hon'ble Minister in charge of Civil Supplies Department be pleased to state—

(i) if it is a fact that there is a difference of pay between the Preventive Officers of Calcutta and the Preventive Officers of mofussil; and

(ii) if so, why?

(e) Will the Hon'ble Minister be pleased to state the number of Preventive Officers in Calcutta and the number of Preventive Officers in mofussil?

(f) Will the Hon'ble Minister be pleased to state the number of Muslim Preventive Officers in Calcutta and mofussil?

The Hon'ble Mr. ABDUL GOFRAN: (a) (i) There are thirty sanctioned posts of District Controllers and Additional District Controllers of Civil Supplies. As against these sanctioned posts there are at present twenty-seven officers, the remaining posts having fallen vacant.

There are eighty-four sanctioned posts of Subdivisional Controllers of Civil Supplies; there are actually also eighty-four officers now.

(ii) Among District Controllers and Additional District Controllers twelve are Muslims, and among Subdivisional Controllers twenty-eight.

(b) (i) It has not been possible to observe communal ratios strictly.

(ii) The reasons are, firstly, that a large proportion of the officers are lent either from the permanent services or from the Army in relation to the deputation of whom communal ratios are not considered and, secondly, the shortage of suitable Muslim candidates available for recruitment during the war time.

(c) So far as District Controllers and Additional District Controllers are concerned, it is expected that the communal ratios will be made up in the near future with the demobilisation of military officers employed in these posts and the recruitment of Muslim and Scheduled Caste officers in their place.

So far as Subdivisional Controllers are concerned it is not expected that the communal ratios can be completely made up in the very near future. But further recruitment of outsiders has been, and will be, restricted to Muslims and Scheduled Castes till the communal ratios are made up.

(d) (i) Yes.

(ii) This is due to difference in the cost of living.

(e) Strength of Preventive Officers at Calcutta—138.

Appointed—116.

Vacant—22.

Strength of Preventive Officers at mofussil—330.

Appointed—292.

Vacant—38.

(*f*) Number of Muslim Preventive Officers—

At Calcutta—44.

In the mofussil—157.

Mr. BADIUZZAMAN MUHAMMAD ILIAS: Will the Hon'ble Minister be pleased to state whether the civil supply distribution work is suffering for want of District Controllers and Additional District Controllers and Subdivisional Controllers?

Mr. ESKANDAR ALI KHAN: I do not think so.

Mr. BADIUZZAMAN MUHAMMAD ILIAS: With reference to the answer just now given will the Hon'ble Minister be pleased to state what was the reason for taking more sanction than was actually necessary?

Mr. SPEAKER: Do you put your question in respect of Preventive Officers?

Mr. BADIUZZAMAN MUHAMMAD ILIAS: No, Sir. In respect of all posts—District Controllers, Additional District Controllers, etc.

Mr. ESKANDAR ALI KHAN: As for the number I have already stated in my answer that there are thirty sanctioned posts of District Controllers. Of them only three posts have fallen vacant recently. Of course I do not know the reason why these vacancies have occurred but the fact remains that recently three vacancies have occurred.

Mr. NIHARENDU DUTT-MAZUMDAR: With reference to answer (*b*)(*ii*), will the Hon'ble Minister be pleased to state precisely when were the services of these officers lent by the Army, and whether they were lent on the initiative of the Central Government or on requisition by the Provincial Government?

Mr. ESKANDAR ALI KHAN: I am sorry I cannot answer.

Mr. BADIUZZAMAN MUHAMMAD ILIAS: Will the Hon'ble Minister be pleased to state whether there is any chance of filling up these vacancies of District Controllers and Subdivisional Controllers?

Mr. ESKANDAR ALI KHAN: District Controllers.

Mr. NIHARENDU DUTT-MAZUMDAR: Sir, the Hon'ble Minister has said "I am sorry I cannot answer".

Mr. SPEAKER: It follows that he cannot answer.

Mr. NIHARENDU DUTT-MAZUMDAR: It may also mean that the information might be there, but Government thinks that it is not proper to divulge that information.

Mr. BADIUZZAMAN MUHAMMAD ILIAS: Sir, he has not answered my question as yet. I asked him whether there is any possibility to fill up the vacant posts of District Controllers, Additional Controllers and Subdivisional Controllers?

Mr. ESKANDAR ALI KHAN: Yes, they are being filled up.

Mr. MD. OSMAN GANI: Will the Hon'ble Minister be pleased to state if he is aware that there is no Subdivisional Controller at Sirajganj since January last and no Deputy Controller since November last?

Mr. ESKANDAR ALI KHAN: I am not aware.

Mr. MUHAMMAD HABIBULLAH CHAUDHURY: Arising out of answer (*c*) where it is stated "So far as District Controllers and Additional District Controllers are concerned, it is expected that the communal ratios will be made up in the near future" and "So far as Subdivisional Controllers are concerned it is not expected that the communal ratios can be completely made up in the very near future", will the Hon'ble Minister be pleased to explain why does he not expect that communal ratios can be completely made up in the near future so far as Subdivisional Controllers are concerned? What is the reason therefor?

Mr. SPEAKER: Reason for what?

Mr. MUHAMMAD HABIBULLAH CHAUDHURY: Why in one case (that is in the case of District Controllers) communal ratios will be made up, and in the other case (that is in the case of Subdivisional Controllers) communal ratios will not be made up?

Mr. ESKANDAR ALI KHAN: Only three District Controllers have been taken on loan from permanent service and forty-three Subdivisional Controllers have been taken from permanent service and seven District Controllers have been taken on loan from the Army. These seven District Controllers from the Army are going to be reverted by June 1947, and there will be vacancies. Apart from that question there are already three vacancies, and they are going to be filled up by Muslims and Scheduled Castes.

Mr. MUHAMMAD HABIBULLAH CHAUDHURY: Is the Hon'ble Minister aware that the Military Officers were so efficient that they took more than two years to distinguish between *aman* and *aus*?

Mr. ESKANDAR ALI KHAN: I am not aware.

Mr. MD. OSMAN GANI: Will the Hon'ble Minister be pleased to state if he is aware that the Subdivisional Controller, Sirajganj, has resigned in January last?

Mr. ESKANDAR ALI KHAN: I do not know.

Mr. NIHARENDU DUTT-MAZUMDAR: Will the Hon'ble Minister be pleased to state for what period of time the creation of these posts was sanctioned—whether permanent or temporary, or for any specified period?

Mr. ESKANDAR ALI KHAN: I do not follow the question.

Mr. NIHARENDU DUTT-MAZUMDAR: My question is, will the Hon'ble Minister be pleased to state for what period of time the creation of posts mentioned in answer (*a*)(*i*) was sanctioned—whether permanent or temporary? If temporary, for what specific period of time?

Mr. ESKANDAR ALI KHAN: Temporarily without any specific period of time.

Mr. NIHARENDU DUTT-MAZUMDAR: How long it is proposed to continue these posts?

Mr. ESKANDAR ALI KHAN: As long as it is necessary.

Mr. NIHARENDU DUTT-MAZUMDAR: Will the Hon'ble Minister be pleased to state how long does he think it will be necessary, or whether Government has any definite date in view by which the continuance of these posts will be unnecessary for the province?

Mr. ESKANDAR ALI KHAN: That will depend on circumstances.

Mr. MUHAMMAD ISRAIL: With reference to answer that there are forty-three Subdivisional Controllers belonging to permanent service, will the Hon'ble Minister be pleased to state when Government want to get rid of these forty-three officers?

Mr. ESKANDAR ALI KHAN: As a matter of fact, it is the general principle that if men from permanent service are available, temporary hands are not taken in.

Mr. MUHAMMAD HABIBULLAH CHAUDHURY: Will the Hon'ble Minister be pleased to state that when suitable Muslims were not available three years back, how will it be possible for Government to appoint suitable Muslims to fill up the vacancies that will be created by the reversion of the Military officers?

Mr. ESKANDAR ALI KHAN: Every effort will be made.

Mr. BADIUZZAMAN MUHAMMAD ILIAS: Is the Hon'ble Minister aware that recently in Calcutta nine Hindu and three Muslim Subdivisional Officers have been appointed?

Mr. ESKANDAR ALI KHAN: Might be.

Mr. BADIUZZAMAN MUHAMMAD ILIAS: It is not a hypothetical question. He must give a definite reply or ask for notice.

Mr. NIHARENDU DUTT-MAZUMDAR: Will the Hon'ble Minister be pleased to state if it is the intention of Government to fill up vacancies in the posts of Subdivisional Controllers by new recruitment or by promotion of the employees of that department?

Mr. ESKANDAR ALI KHAN: By new appointments so long as parity is not reached.

Mr. NIHARENDU DUTT-MAZUMDAR: Sir, my question has not been understood. My question is, with all respect to the question of parity and communal ratios, whether the vacancies that will occur will be filled in by new recruitment or by promotion of persons from the lower grade of prescribed communities?

Mr. ESKANDER ALI KHAN: By new recruitment.

Mr. NIHARENDU DUTT-MAZUMDAR: What is the reason for not giving the men in the lower grade a chance of filling these posts and going in for new recruitment?

Mr. ESKANDAR ALI KHAN: Suitable candidates may not be available.

Mr. NIHARENDU DUTT-MAZUMDAR: May not be available!

Mr. ESKANDAR ALI KHAN: I mean that if suitable candidates do not come forward in that case recruitment will be made by new appointments.

Mr. NIHARENDU DUTT-MAZUMDAR: Will the Hon'ble Minister be pleased to tell the House what are the specifications of qualification for suitable candidates to fill these posts?

Mr. SPEAKER: That question does not arise.

Mr. NIHARENDU DUTT-MAZUMDAR: Sir, the Hon'ble Minister said that if suitable persons do not come forward——

Mr. SPEAKER: The answer was with regard to promotion. If suitable candidates are found they will be promoted to these posts, and if not, outsiders will be recruited.

Mr. NIHARENDU DUTT-MAZUMDAR: And so my question is, what are the qualifications required of men in the department—whether any person in the lower grades with those qualifications exist?

Mr. SPEAKER: The qualifications of those who are already in service are judged by their work. That is apparent.

Mr. NIHARENDU DUTT-MAZUMDAR: Sir, I put my question in another form. Is there any prescribed qualification on the basis of which posts of Subdivisional Controllers are filled in?

Mr. ESKANDAR ALI KHAN: By promotion or appointment?

Mr. NIHARENDU DUTT-MAZUMDAR: My question is, what are the qualifications on the basis of which persons are selected to fill in these posts—any technical qualification, or university qualification, or any other qualification?

Mr. ESKANDAR ALI KHAN: Is it in case of appointment or promotion?

Mr. SPEAKER: Both with regard to appointment and promotion.

Mr. ESKANDAR ALI KHAN: So far as promotion is concerned it depends on the efficiency of officers.

Mr. NIHARENDU DUTT-MAZUMDAR: Mr. Speaker, Sir, you may please help us by explaining the question to the Hon'ble Minister. He does not seem to understand the question.

Mr. SPEAKER: Yes, he has understood the question.

Mr. ESKANDAR ALI KHAN: So far as promotions are concerned it depends on the officers concerned. As for new recruitments, qualifications are specified at the time of making appointments.

Mr. BADIUZZAMAN MUHAMMAD ILIAS: With reference to my previous question, will the Hon'ble Minister be pleased to state whether he considers the desirability of enquiring into the matter and whether he admits that his Government has totally failed in maintaining the Communal Ratio Rules?

Mr. SPEAKER: What is your question? He has already answered "Might be" and that meets the point in your question.

Mr. BADIUZZAMAN MUHAMMAD ILIAS: In view of the fact that in the matter of appointment of Subdivisional Controllers we find that there are nine Hindus as against three Muslims only, will the Hon'ble Minister be pleased to state whether the Communal Ratio rules have been maintained and also whether he is ready to enquire into the matter?

Mr. ESKANDAR ALI KHAN: It will be looked into.

Mr. BADIUZZAMAN MUHAMMAD ILIAS: Will the Hon'ble Minister be pleased to state whether any policy or principle has been adopted to make up the disparity in the matter of appointments in accordance with the Communal Ratio rules?

Mr. ESKANDAR ALI KHAN: Eighty per cent. of the vacancies will be filled up by Muslims and scheduled castes until the parity is reached.

Mr. BIJOY KRISHNA SARKAR: Will the Hon'ble Minister be pleased to state the number of Scheduled Caste Subdivisional Controllers in the department?

Mr. ESKANDAR ALI KHAN: I want notice.

Mr. BIJOY KRISHNA SARKAR: Will the Hon'ble Minister be pleased to state the number of scheduled caste Preventive Officers in the department both in Calcutta and in the mofassil?

Mr. ESKANDAR ALI KHAN: I want notice.

Covernment of India's Post-War Development grant for reorganisation of Public Health Services in Bengal.

*253. **Mr. SUSHIL KUMAR BANERJEE:** (*a*) Will the Hon'ble Minister in charge of the Health Department be pleased to state whether any amount will be available from the Government of India out of Post-War Development Fund for the reorganisation of Public Health Services in this Province?

(*b*) If the answer to (*a*) be in the affirmative, will the Hon'ble Minister be pleased to state how such grants are going to be utilised by the different sections of the Public Health Department?

MINISTER in charge of the HEALTH and LOCAL SELF-GOVERNMENT DEPARTMENT (the Hon'ble Mr. Mohammed Ali): (*a*) No financial assistance has been asked for nor any is expected from the Government of India from the Post-War Development Fund or otherwise for the reorganisation of the Public Health Services. Financial aid is, however, expected from the Central Government's Development Fund towards the schemes for the Development of Public Health Services.

(*b*) Copies of the Development Schemes of the Public Health Department are laid on the Library Table.

Mr. SUSHIL KUMAR BANERJEE: Will the Hon'ble Minister be pleased to state the nature and extent of financial help expected from the Government of India for the development of health services?

Mr. S. A. SALIM: Schemes have been sent to the Government of India, and it is very difficult for me to give any answer at this stage.

Loot, arson, abduction, etc., in Noakhali and Tippera districts in October, 1946.

*254. **Mr. DHIRENDRA NATH DATTA:** Will the Hon'ble Minister in charge of the Home Department be pleased to state—

(*a*) what is the number of houses and of huts burnt in the district of Tippera as well as of Noakhali during the communal riots that took place in the month of October, 1946 (the number to be shown separately for each union in each thana);

(*b*) what is the number of houses that had been looted in that connection (the number to be shown separately for each union in each thana);

(*c*) what is the number of women abducted or kidnapped in that connection in the district of Tippera as well as of Noakhali; how many of them had been found out and how many of them had not been traced as yet;

(*d*) what is the number of deaths that occurred in that connection in the district of Noakhali as well as of Tippera; the number to be shown separately for different thanas;

(*e*) how many of the people were forcibly converted;

(*f*) how many persons had been arrested and how many of them had been released on bail; the number to be shown separately in each

(*g*) did the Government depute any responsible officers to make any enquiry into the details of destruction, etc., that happened in the districts of Tippera and Noakhali; and did the officers concerned submit any report to Government; if so, will Government be pleased to lay on the Table the reports of their enquiries?

The Hon'ble Mr. H. S. SUHRAWARDY: (*a*), (*b*) and (*d*) The honourable member is referred to the two statements laid on the Library Table.

(*c*) Noakhali—2 (reported) of whom 1 found out; and Tippera—5 (all found out).

(*e*) Noakhali—figure not known but certainly ran into thousands; and Tippera—9,895.

(*f*)

		Arrested.	Released.
Noakhali	..	1,061	909
Tippera	..	1,136	912

(*g*) Mr. Simpson, I.C.S., and Mr. R. Gupta, I.C.S., were deputed to hold enquiries in the districts of Tippera and Noakhali respectively. Reports were submitted by these two officers. It is not considered desirable that copies of these reports should be made available.

Mr. BIMAL CHANDRA SINHA: Will the Hon'ble Minister be pleased to state why the figure of forced conversion, so far as Noakhali is concerned, is not known?

Mr. K. NASARULLA: Sir, it is not known because the figures could not be collected by the District Officer.

Mr. BIMAL CHANDRA SINHA: Will the Hon'ble Minister be pleased to give us an idea as to the extent of this conversion, that is, how many thousands were converted approximately?

Mr. K. NASARULLA: I cannot give any idea about that.

Mr. MUHAMMAD HABIBULLAH CHAUDHURY: Will the Hon'ble Minister be pleased to state whether he is aware that in the bulk of these cases it was not actual conversion but that the people admitted conversion because of apprehended trouble?

Mr. K. NASARULLA: I have nothing further to add.

Mr. BIMAL COMAR GHOSE: With reference to the statements laid on the Library table that the number of houses burnt and looted amounted to 4,000 and huts burnt and looted amounted to 6,500, will the Hon'ble Minister be pleased to state if these houses and huts refer only to Hindu houses and huts?

Mr. K. NASARULLA: I cannot say whether they are only Hindu houses or Hindu-*cum*-Moslem houses.

Mr. BIMAL COMAR GHOSE: Will the Hon'ble Minister be pleased to state if he is aware that with reference to the figures furnished in the statement laid on the Library table in respect of Noakhali, the reference is only in respect of Hindu houses and huts?

Mr. K. NASARULLA: Yes, Sir.

Mr. BIMAL COMAR GHOSE: In view of the answer just given, will the Hon'ble Minister be pleased to state why the two tables were not furnished on the same line?

Mr. K. NASARULLA: The two tables were furnished by the two different District Magistrates.

Mr. MAJIBUR RAHMAN: Will the Hon'ble Minister be pleased to state if he is aware most of the Hindu inhabitants of the affected areas volunteered their willingness to give up their religion simply out of fear, and as a matter of fact they did so for that reason?

Mr. K. NASARULLA: How can I say that?

Mr. KHAGENDRA NATH DAS GUPTA: With reference to answer (c), will the Hon'ble Minister be pleased to state whether these figures were called from the reports submitted by Messrs. Simpson and R. Gupta?

Mr. K. NASARULLA: These are the figures that have been collected by the District Magistrates.

Mr. BIMAL CHANDRA SINHA: Will the Hon'ble Minister be pleased to state if it is a fact that the Hon'ble the Chief Minister made a public comment in the Press that Mr. Simpson had no business to go beyond his limits and to comment on the figures of atrocities?

Mr. K. NASARULLA: I am not aware of that.

Mr. BIMAL CHANDRA SINHA: Will the Hon'ble Minister be pleased to state why it is not considered desirable to place these facts? Is it because Mr. Simpson went beyond the limits to criticise the activities of the local officers?

Mr. K. NASARULLA: No, Sir, it is not so.

Mr. KHAGENDRA NATH DAS GUPTA: Will the Hon'ble Minister be pleased to state whether the reports of Messrs. Simpson and R. Gupta have given any indication of the number of women abducted or kidnapped?

Mr. K. NASARULLA: I cannot say anything out of the reports of Messrs. Simpson and R. Gupta.

Mr. HARIPADA CHATTERJEE: Is the Hon'ble Minister aware of the fact that the figures collected by non-official agencies do not tally with these figures?

Mr. K. NASARULLA: I do not know what the figures of the non-official agencies are.

Mr. HARIPADA CHATTERJEE: Is the Hon'ble Minister aware of the fact that in the areas of Chakargaon, Mashimpur and Chandipur 18,035 houses were burnt?

Mr. K. NASARULLA: I am not aware of that.

Mr. MUHAMMAD HABIBULLAH CHAUDHURY: Will the Hon'ble Minister be pleased to state if these figures were taken from ezahars of the affected people and not from the reports of responsible officers?

Mr. K. NASARULLA: These are the reports collected by the District Magistrates from the ezahars of the affected persons concerned.

Mr. BIMAL COMAR GHOSE: In view of the fact that Government have compiled these figures from the reports of District Officers on whom they rely, will the Hon'ble Minister be pleased to state the reasons why the other two officers, namely, Messrs. Simpson and R. Gupta, were deputed to Noakhali and Tippera?

Mr. K. NASARULLA: They were deputed to find out the facts and they have submitted their reports which are under the consideration of Government.

Mr. BIMAL COMAR GHOSE: Will the Hon'ble Minister be pleased to state if they had any reason to doubt the reports submitted by the local officials?

Mr. K. NASARULLA: Sir, Government is not doubting the reports of the local officials. They deputed two Special Officers for further reports on the subject.

Mr. BIMAL CHANDRA SINHA: Will the Hon'ble Minister be pleased to state whether the figures given in his answer (*f*) under "released" refer to the question of released on bail or released finally?

Mr. K. NASARULLA: Sir, it refers to release either on bail or final release.

Mr. BIMAL CHANDRA SINHA: Will the Hon'ble Minister be pleased to state if it is a fact that these released persons have now started counter-cases, and these counter-cases are now being taken up as Crown cases?

Mr. K. NASARULLA: I am not aware of that fact.

Mr. BIMAL CHANDRA SINHA: Will the Hon'ble Minister be pleased to state how many persons are even now absconding as a result of which final reports are not yet being sent?

Mr. K. NASARULLA: I want notice.

Mr. BIMAL COMAR GHOSE: In view of the fact that Government have given this information about these matters on the basis of the information furnished by the local officials, will the Hon'ble Minister be pleased to state the reason why he cannot state the actual facts in respect of these matters that were mentioned by Messrs. Simpson and Gupta?

Mr. K. NASARULLA: I am not going to say anything about the reports of Messrs. Simpson and R. Gupta.

Mr. SPEAKER: The question is, what is the reason why you cannot state the facts.

Mr. K. NASARULLA: Sir, the reports have been considered by Government, and it has been decided that they cannot be made public.

Mr. BIMAL COMAR GHOSE: Will the Hon'ble Minister be pleased to state if these figures mentioned here are corroborated by Messrs. Simpson and Gupta in their reports?

Mr. K. NASARULLA: I cannot reply to that.

Mr. BIMAL COMAR GHOSE: Sir, my question has not been answered.

Mr. SPEAKER: When Government cannot disclose the report you cannot question whether certain figures were corroborated by that report.

Mr. BIMAL COMAR GHOSE: Sir, figures on destruction and abduction have been furnished by Government, and my question was whether in respect of these matters the reports of Messrs. Simpson and Gupta are considered secret.

Mr. SPEAKER: You cannot ask him to make the report public in a roundabout way.

Mr. K. NASARULLA: Sir, I cannot do that unless Government decides otherwise.

Mr. NIHARENDU DUTT-MAZUMDAR: Will the Hon'ble Minister be pleased to state whether Messrs. Simpson and Gupta did tour extensively the affected areas, held enquiries and then submitted their reports to Government?

Mr. K. NASARULLA: Messrs. Simpson and Gupta did tour these districts and then submitted their reports.

Mr. NIHARENDU DUTT-MAZUMDAR: Will the Hon'ble Minister be pleased to state whether the reports submitted by these two officers, Messrs. Simpson and Gupta, after personal enquiries and investigation on the spot, are considered by Government as trustworthy reports of the actual facts that they had seen?

Mr. K. NASARULLA: I cannot say that unless I go through the report.

Mr. HARIPADA CHATTERJEE: Is the Hon'ble Minister aware of the fact that the absurdity of their information that two cases of abduction have been reported of whom one has been found out will be evident from the fact that in one family, the family of Rajendra Lal Roy, two ladies named Kiranbala and Namita are still missing?

Mr. K. NASARULLA: I cannot disbelieve the reports of my officers.

Mr. MAJIBUR RAHMAN: Is the Hon'ble Minister aware of the fact that distorted and exaggerated reports have been given in newspapers regarding Noakhali affairs?

Mr. SPEAKER: That question does not arise.

Mr. HARIPADA CHATTERJEE: Sir, the Hon'ble Minister says that he cannot disbelieve the reports of his officers but I say definitely that these two cases have been reported, namely that two ladies Kiranbala and Namita in Mr. Rajendra Lal Roy's house have been reported to have been abducted and that they have not yet been traced?

Mr. K. NASARULLA: I have no such information.

Mr. NIHARENDU DUTT-MAZUMDAR: Will the Hon'ble Minister be pleased to state, with reference to his last answer that Government could not disbelieve the reports of its officers, whether Government disbelieves the reports of Messrs. Simpson and Gupta?

Mr. SPEAKER: When those reports are secret, he cannot reply either way.

Mr. NIHARENDU DUTT-MAZUMDAR: Will the Hon'ble Minister be pleased to state whether Government is considering the desirability of publishing the reports of Messrs. Simpson and Gupta?

Mr. K. NASARULLA: Not at the present moment.

Mr. NIHARENDU DUTT-MAZUMDAR: Will the Hon'ble Minister be pleased to state how long Government will take to examine the reports submitted by these two officers?

Mr. K. NASARULLA: I cannot give an exact time.

Mr. NIHARENDU DUTT-MAZUMDAR: Will not the examination of these two reports be completed before the partition of Bengal?

Mr. K. NASARULLA: There will never be a partition of Bengal.

Mr. FAZLUL QUADIR: Will the Hon'ble Minister be pleased to state, with reference to answer (*c*), namely, that the figure for Noakhali is not known but certainly ran into thousands and Tippera—9,895, whether the persons who were forcibly converted are still pursuing their new religion or they have gone back to their old religion?

UNSTARRED QUESTIONS

(to which answers were laid on the table)

Auxiliary Government Hospitals in Chittagong district.

87. Mr. ALI AHMED CHOWDHURY: Will the Hon'ble Minister in charge of the Health Department be pleased to state—

(*a*) what is the number of the Auxiliary Government Hospitals in the Sadar (B) subdivision of the Chittagong district and how many of them are situated in Hindu-majority villages and how many of them are in Muslim-majority villages; and

(*b*) how many of the following staff are Muslims and how many of them Hindus, viz.—

(*i*) Medical Officers,

(*ii*) Compounders,

(*iii*) Nurses,

(*iv*) Menials, and

(*v*) Cooks?

The Hon'ble Mr. MOHAMMED ALI: (*a*) Number of Auxiliary Government Hospitals 16 (in Hindu-majority villages 8; and in Muslim-majority villages 8).

	Muslims.	Hindus.
(*b*)(*i*)	... 5	12
(*ii*)	. 4	12
(*iii*) Male	... 13	26
Female	... Nil	15
(*iv*)	... 25	24
(*v*)	. 10	22

Mr. RAJENDRA NATH SARKAR: Will the Hon'ble Minister be pleased to state the number of beds in all these 16 hospitals in Chittagong district?

Mr. S. A. SALIM: I want notice.

Mr. RAJENDRA NATH SARKAR: Will the Hon'ble Minister be pleased to state whether all these hospitals have equal number of beds?

Mr. S. A. SALIM: I think so.

Mr. RAJENDRA NATH SARKAR: Will the Hon'ble Minister be pleased to state if maternity homes are maintained in any of these hospitals?

Mr. S. A. SALIM: I want notice.

Mr. ALI AHMED CHOWDHURY: Will the Hon'ble Minister be pleased to state why communal ratio rules were not observed in the matter of appointment of these officers?

Mr. S. A. SALIM: As far as Muslims were available they were appointed but they were not available in sufficient number. That is the reason why instructions have now been issued to appoint Muslims wherever vacancies now exist.

Mr. MUHAMMAD HABIBULLAH CHAUDHURY: Will the Hon'ble Minister be pleased to state what was the principle that was followed in selecting villages for these hospitals?

Mr. S. A. SALIM: Hospitals were selected on the report of the District Magistrate in consultation with the Civil Surgeon of the district.

Mr. ALI AHMED CHOWDHURY: Will the Hon'ble Minister be pleased to state the percentage of population in the district?

Mr. S. A. SALIM: I want notice.

Mr. MUHAMMAD HABIBULLAH CHAUDHURY: Will the Hon'ble Minister be pleased to state how is it that hospitals were established in a district where the Muslim population is 80 per cent. on a 50/50 basis?

Mr. S. A. SALIM: As far as the location of hospitals was concerned it was done by the District Magistrate in consultation with the Civil Surgeon as far as patients were concerned.

Mr. ALI AHMED CHOWDHURY: Will the Hon'ble Minister be pleased to state whether it is a fact that all the four hospitals in Patia thana were in the Hindu area alone?

Mr. S. A. SALIM: May be so; it is not to our information.

Mr. FAZLUL QUADIR: Will the Hon'ble Minister be pleased to state whether Government will consider the desirability of reshuffling these hospitals and redistributing them on population basis?

Mr. S. A. SALIM: As a matter of fact redistribution of hospitals in Chittagong is going to take place soon. In view of the fact that in some places hospitals have been established in excess of the demands of the people there, these will be curtailed, and for that reason hospitals are going to be redistributed in Chittagong very soon.

Mr. FAZLUL QUADIR: Will the Hon'ble Minister be pleased to state whether these hospitals have been established on a permanent or temporary basis?

Mr. S. A. SALIM: At the present moment, only for five years.

Mr. MUHAMMAD HABIBULLAH CHAUDHURY: Will the Hon'ble Minister be pleased to state, in view of the fact that there are eight hospitals in Hindu villages—of course we do not mind that, whether Government is going to start at once twenty-four hospitals in twenty-four Muslim villages?

Mr. S. A. SALIM: I have already stated that they are going to be curtailed in Chittagong where necessary.

Mr. BIMAL CHANDRA SINHA: Will the Hon'ble Minister be pleased to state if it is the policy of the Government to start hospitals not in proportion of the incidence of diseases but in accordance with the communal ratio of the population?

Mr. S. A. SALIM: As far as the policy is concerned it is to set up hospitals on the principle of incidence of diseases in any particular area.

Higher grade officers of Civil Supplies Department.

88. Mr. MUHAMMAD HABIBULLAH CHAUDHURY: Will the Hon'ble Minister in charge of the Civil Supplies Department be pleased to state—

(*a*) the names and number of officers drawing salary between Rs.1,500 and Rs.4,000 a month in the Civil Supplies Department with the amount drawn by each as salary for the month of July, 1946, shown against each; and

(*b*) how many of them are—

(*i*) on deputation to this department from military service,

(*ii*) army released officers,

(*iii*) pensioners—

(A) military, and

(B) civil,

(*iv*) on deputation to this department from other Government departments, and

(*v*) recruited from mercantile firms and other business?

The Hon'ble Mr. ABDUL GOFRAN: (*a*) A statement is laid on the Table.

(*b*) (*i*) Twelve.

(*ii*) and (*iii*) (A) Nil.

(*iii*) (B) Two.

(*iv*) Thirteen.

(*v*) Three.

Statement referred to in reply to clause (a) of the unstarred question No. 88.

	Name.	Designation.	Pay.
			Rs.
1.	A. deC. Williams, Esq., C.I.E., I.C.S.	Commissioner of Civil Supplies	3,750
2.	H. Tufnell Barrett, Esq., C.I.E., I.C.S.	Additional Commissioner, Civil Supplies.	3,000 (on leave).
3.	S. N. Ray, Esq., C.I.E., I.C.S.	Additional Commissioner, Civil Supplies.	3,000
4.	A. D. Khan, Esq., I.C.S.	Secretary, Department of Civil Supplies.	2,750
5.	A. C. Hartley, Esq., C.I.E., O.B.E., I.C.S.	Director-General, Food ..	2,750 (on leave).
6.	S. K. Chatterjee, Esq., I.C.S.	Director-General, Food ..	2,750
7.	V. N. Rajan, Esq., I.C.S.	Director of Supply ..	2,000 (including special pay).
8.	K. Sen, Esq., I.C.S. ..	Director of District Distribution	1,675 (including special pay).
9.	Rai Bahadur J. P. Roy, B.C.S.	Additional Director of District Distribution.	2,300 (including special pay).
10.	C. E. Walze, Esq., O.B.E.	District Controller of Civil Supplies, Burdwan.	1,600 (including pension).
11.	C. F. Pyett, Esq. ..	Director of Inspection and Control.	3,000
12.	W. A. S. Lewis, Esq., O.B.E., I.C.S.	Director of Rice Procurement	2,000 (including special pay).

	Name.	Designation.	Pay.
			Rs.
13.	K. K. Ghosh, Esq., B.C.S.	Deputy Director of Rice Procurement.	1,550 (including special pay).
14.	S. C. Maitra, Esq., B.C.S.	Regional Controller of Procurement.	1,550 (including special pay).
15.	A. Hughes, Esq., I.C.S. ..	Director-General, Consumer Goods.	2,750
16.	J. Stein, Esq. ..	Chief Engineer, Civil Supplies	2,125
17.	Dr. M. A. Korni ..	Deputy Director of Boats ..	2,200
18.	Brig. H. Miller ..	Director of Storage ..	3,065
19.	Brig. S. P. Cane ..	Director of Transportation ..	2,863
20.	Col. L. B. McDougall ..	Deputy Director of Storage ..	2,667
21.	Lt.-Col. R. Boyeldieu ..	Deputy Director of Transportation.	2,230
22.	Lt.-Col. Whitby ..	Deputy Director of Transportation and Storage, North Bengal.	2,526
23.	Lt.-Col. E. R. Burton ..	Deputy Director of Storage, Calcutta and North Bengal.	2,420
24.	Lt.-Col. T. Stainthorpe ..	Deputy Director of Transportation and Storage, East Bengal.	2,288
25.	Col. R. T. Moore ..	Additional Director of Rice Procurement.	2,712
26.	Lt.-Col. T. B. Lawrence ..	Deputy Director of Rice Procurement (Mills).	2,185
27.	Lt.-Col. G. N. P. Hodder	Deputy Director of Rice Procurement (Inspection).	1,938
28.	Lt.-Col. J. A. Hume ..	Regional Controller of Procurement, Region III, Mymensingh.	2,330
29.	Lt.-Col. W. H. C. E. Bishop	Deputy Director of Inspection and Control.	2,042
30.	K. A. Hamilton, Esq. ..	Director of Rationing ..	2,500 (on leave).

Mr. MUHAMMAD HABIBULLAH CHAUDHURY: Will the Hon'ble Minister be pleased to state why out of thirty officers drawing Rs.1,500 to Rs.4,000—in some cases more than what the Ministers draw—there is not a single Muslim?

Mr. ESKANDAR ALI KHAN: No suitable Muslim candidate was available.

Mr. MUHAMMAD HABIBULLAH CHAUDHURY: Will the Hon'ble Minister be pleased to state what are the special qualifications these Military Officers with no experience of Bengal have got to occupy these posts and draw more salaries than the Parliamentary Secretaries and Ministers?

Mr. SPEAKER: I disallow that.

Mr. BIMAL COMAR GHOSE: Will the Hon'ble Minister be pleased to state how long the Government intend to continue the services of these officers who are on deputation to this department from military service?

Mr. ESKANDAR ALI KHAN: By June 1947 their services are going to be dispensed with.

Mr. BIMAL COMAR GHOSE: Will the Hon'ble Minister be pleased to state whether Government consider so many officers necessary in the Civil Supplies Department?

Mr. ESKANDAR ALI KHAN: Yes, they do.

Mr. ALI AHMED CHOWDHURY: Will the Hon'ble Minister be pleased to state if the mismanagement in this department is mainly due to the appointment of these Military officers who are not experienced in the matter of Bengal affairs?

Mr. ESKANDAR ALI KHAN: It is a matter of opinion.

Mr. SPEAKER: Questions over.

Point of Privilege.

Mr. NIHARENDU DUTT-MAZUMDAR: Mr. Speaker, Sir, I wish to raise a point of privilege of this House. Sir, it often happens that members of this House used to be put under arrest and one of your predecessors ruled that Government should immediately inform the Hon'ble Speaker about the arrest of a member as soon as possible after the arrest has been effected. Sir, it has been reported that one of the honourable members of this House and an incumbent of the office of the Parliamentary Secretary was recently arrested. May we know whether it has been reported to you immediately after the arrest and what were the reasons which led to the arrest and prosecution of that honourable member, an incumbent of the office of Parliamentary Secretary?

Mr. SPEAKER: I have not received any such report.

Enquiries regarding short-notice questions.

Mr. MUHAMMAD HABIBULLAH CHAUDHURY: Sir, I gave notice of a short-notice question in connection with the evacuee problem of Noakhali and as the communists have taken it up it may take a serious turn. I do not know what will happen to my question.

Mr. SPEAKER: What is that, please?

Mr. MUHAMMAD HABIBULLAH CHAUDHURY: Short-notice question in connection with the evacuee question of Feni.

Mr. NIHARENDU DUTT-MAZUMDAR: I also gave notice of a short-notice question about the closing down of various ration shops in Kanchrapara which is causing very great inconvenience. It is a long time that I gave notice of that question and I do not know what is the fate of that question which was meant to be a short-notice question. I have neither received any information from your office.

Mr. SPEAKER: With regard to these questions it is very difficult to give answers off-hand. Members are welcome to see me in my chamber so that they may ascertain at what stage the questions are—whether they have been sent to the administrative departments or any replies have been sent by Government.

Mr. NIHARENDU DUTT-MAZUMDAR: At least you might be pleased to direct that short-notice questions which might be found difficult to answer at short notice, about them the members giving notice of those questions might be informed as soon as possible instead of making inordinate delay. With regard to the question of which I gave notice I can satisfy that it would not take a very long time to answer.

Mr. SPEAKER: Of course that is done by the office.

GOVERNMENT BILL.

The Bengal Non-Agricultural Tenancy Bill, 1946.

The Hon'ble Mr. FAZLUR RAHMAN: Sir, I beg to move that the Bengal Non-Agricultural Tenancy Bill, 1946, as reported by the Select Committee be taken into consideration.

Mr. CANENDRA CHANDRA BHATTACHARJEE: Sir, I beg to move by way of amendment that the Bill be recommitted to the same Select Committee with instructions to submit their report by the 31st July, 1947.

মিঃ স্পীকার, স্যার, এই বিলটি Select Committeeতে এই House থেকে গিয়েছিল কিন্তু Select Committeeর reportএ দেখা যায় যে সেই Select Committeeর সব মেম্বররা একমত হতে পারেননি। অনেক dissentient note আছে এবং যেসব dissentient note আছে সেগুলি আলোচনা করলে বেশ বুঝা যায় যে অনেক গুরুতর পরিবর্তনের প্রয়োজন আছে। এই বিলটি Select Committee থেকে ফিরে আসার পরে দেখা যায় যে দুই শতের উপর amendment move করা হয়েছে। এই যে দুই শতের উপর amendmentএর notice দেওয়া হয়েছে, কিন্তু আমার মনে হয় যদি বিলের copy সকল মেম্বরের নিকট যথাসময় পৌঁছাইত তাহলে মেম্বররা বিলটি ভাল করে পড়বার সুযোগ পেতো এবং তাহলে বিলের amendment আরও অনেক বেড়ে যেত। আমি জানি এই বিলের notice যথাসময় সকল মেম্বরের কাছে পৌঁছায়নি। আমার কাছে যে দিন এই বিলের copyটা পৌঁছলো তখন আমার হাতে, এই বিলের amendment পাঠাবার জন্য, মাত্র একটি দিন সময় ছিল। তাড়াতাড়ি করে একটি দিনের সময়ের ভিতর, যতটা সম্ভব পারা যায় ততটা পড়ে, আমার amendmentগুলি পাঠান হয়েছে। আরও বিস্তারিতভাবে আলোচনা করতে পারলে আরও অনেক বেশী amendment দেওয়া যেতে পারত; কিন্তু সেগুলি সময় অভাবে দিতে পারিনি।

Non-Agricultural Tenancy Act গরীব tenantদের বিশেষ সুবিধা দেবার জন্য করা হচ্ছে, সুতরাং এই বিলটি এতো তাড়াতাড়ি, যেমন-তেমন করে পাশ করা সঙ্গত হবে না। দেখা যায় যে এই হাউসের মন্ত্রিবর্গের বিলের প্রতি একটা নেশা জন্মে গিয়েছে। এঁরা খালি ভূরি ভূরি বিল আনয়ন করেছেন, কিন্তু সেগুলিকে কার্য্যে পরিণত করবার কোন চেষ্টা দেখি না।

১৯৪৬ সালের প্রথম Session হতে আরম্ভ করে আজ পর্য্যন্ত এঁরা একটার পর একটা করে বহু বিল এনেছেন, কিন্তু তার একটিও কার্য্যে পরিণত হতে দেখি না। কেবল বিলের পর বিল চাপানই হচ্ছে, আর অল্প দিনে amendment দিতে ব'লে তাঁদের খুসিমত ফেলে রাখেন এবং পরে নিজেদের সুবিধামত বিলগুলি পাশ করে নিতে চান। (MR. ILIAS ALI MOLLA—মন্ত্রিমন্ডলী এক-এক করে সব ভাল কাজ করবে।) এক-এক করে যদি তাঁরা ভাল কাজ করতেন তাহলে বাংলার অনেক উপকার হতো, কিন্তু ভাল কার্য্য করবার মত সাহস বা ইচ্ছা বর্ত্তমান মন্ত্রিমন্ডলীর নেই। তাঁদের কার্য্যকলাপেও এই সমস্ত ধরণের বিলের ভিতর কেবল এইটাই প্রকাশ পাচ্ছে যে তাঁরা দেশকে কেবল ধোঁকা দেবার চেষ্টা করেছেন। যদি ভাল কার্য্য করবার মত সাহস, শক্তি, বুদ্ধি, ধৈর্য্য বা মন বর্ত্তমান মন্ত্রিমন্ডলীর থাকত তাহলে আজ বাংলার এই রকম দুরবস্থা হত না (interruptions from Governmet benches) আপনারা এত চটছেন কেন? দেখছি সত্য কথা বললে আপনারা সহ্য করতে পারেন না। আমি জোর করে বলতে পারি যে ভাল কাজ আপনারা করতে পারেন না কারণ ভাল কাজ যদি আপনারা করতেন তাহলে কলিকাতা সহরের উপর প্রতিদিন curfew একে একে বহু এলাকায় ৩৫-৪০ ঘন্টা থেকে আরম্ভ করে ৭২ ঘন্টা পর্য্যন্ত হতে পারত না। (Jeering and mocking from the Government Bench.) প্রতিদিন খবরের কাগজে দেখা যায় যে কলিকাতা সহরে রাস্তার উপর লোকের বুকে লোক ছুরি মারছে। (Interruption) একটু ধৈর্য্য ধরে শুনুন না এত অস্থির হচ্ছেন কেন? ভাল কাজের কথা শুনে আপনাদের গায়ে লাগছে বুঝি? ভাল কাজ যদি বর্ত্তমান মন্ত্রিবর্গ করতেন, তাহলে গভর্ণমেণ্টের পুলিশ কর্ম্মচারীরা বাংলার নারীর উপর অত্যাচার করতে সাহস পেত না, নিরীহ লোককে অযথা গুলি করত না।

Mr. SPEAKER: Come to the point, please.

Mr. CANENDRA CHANDRA BHATTACHARJEE: I am coming to the point. I am showing that the Bill is not for the good of the tenant.

আমি বলছি সত্যই দেশের মঙ্গলের জন্য যে সকল আইন করতে হ'বে সে সকল আইন করা সম্বন্ধে দলাদলি থাকতে পারে না, যে আইন হ'বে সেটা কেবল হিন্দুর জন্য অথবা কেবল মুসলমানের জন্য হ'বে না। সেটা হিন্দু মুসলমান উভয়ের জন্যই হ'বে। হিন্দু মুসলমান উভয়েই সেটা সমানভাবে ভোগ করবে। হিন্দু ও মুসলমান জমিদারদের যতটুকু ক্ষতি হ'বে হিন্দু মুসলমান প্রজাদের ততটুকু লাভ হ'বে, আমরা এটা কামনা করি। প্রত্যেক আইনের এই উদ্দেশ্যই থাকা উচিত। (VOICE FROM THE GOVERNMENT PARTY: বিলটা একটু ভাল করে পড়ুন তা'হ'লে বুঝতে পারবেন।) এই ধরণের মনোভাব নিয়ে আইন করা উচিত। কোন আইনের আলোচনা যদি করতে হয় তা'হ'লে সাধারণভাবে প্রত্যেকটা clause বিশেষভাবে চিন্তা করে আমাদের দেখা দরকার যে সে আইনের দ্বারা জনসাধারণের প্রকৃত মঙ্গল হ'বে কিনা তা' না হ'লে তাড়াহুড়া করে আইন করলে দোষ হয় এই যে আজ আইন করলে কালকে দেখা যায় যে তার মধ্যে ভুরিভুরি গলদ রয়ে গেছে। আবার নূতন করে সেটা সংশোধন করতে হয়, বাংলার মন্ত্রিসভা গত কয়েক বৎসর বাংলার Assemblyতে যত আইন করেছেন দেখা যায় যে তার প্রায়ই সংশোধন করতে হবে। আমি বলি এই যে Non-Agricultural Tenancy Bill যদি সত্যই গরীবের দুঃখ দূর করবার জন্য আনা হ'য়ে থাকে তাহ'লে এমনভাবে চিন্তা করে, সকলে বসে পরামর্শ করে, বাস্তবিক আইন-সভার সকল দলের কথাশুনে, যুক্তি শুনে সেমত আইন করা উচিত। দুঃখের বিষয় অপর পক্ষের আমাদের বন্ধুদের বাই জন্মে গিয়েছে যে Opposition থেকে ভাল কথা বল্লেও তাঁদের গায়ে বিঁধে। কোন ভাল কথাও তারা সহ্য করতে পারেন না। তাঁদের মনে রাখা উচিত বাস্তবিক বাংলায় যদি কোন সত্যিকারের কাজ করতে হয় সেটা Opposition এবং Government পক্ষের বুদ্ধির দ্বারা এবং তাঁদের মিলিত চেষ্টা দ্বারা করা উচিত এবং সে বুদ্ধিও চেষ্টা নিয়ে সমস্ত কাজে অগ্রসর হওয়া উচিত। আপনারা আস্তে আস্তে কি বক্ বক্ করছেন। (MR. MD. ISRAIL ঢের জোরে বলছি, আস্তে না) আমি সকল কথা শুনতে পাই না, যা' হউক, আমি মন্ত্রিমন্ডলীকে অনুরোধ করি তাঁরা আমার এই প্রস্তাব গ্রহণ করুন। (VOICE FROM THE GOVERNMENT PARTY: নিশ্চয়।) বাস্তবিক এই বিলের উপর অনেক amendment আছে। সেগুলি যদি এই Houseএ moved হয় তা'হ'লে সেগুলি আলোচনা করে এটা আইনে পরিণত করতে যে সময়, energy ও অর্থ ব্যয় হ'বে এবং যে ক্ষতি হ'বে তার চেয়ে এটা যদি Select Committeeতে পাঠান যায়.....(MR. MD. ISRAIL: আপনিওত Select Committeeতে আছেন)

Mr. SPEAKER: Mr. Israil, I do not think you should engage yourself in this sort of discussion.

Mr. GANENDRA CHANDRA BHATTACHARJEE: যদি Select Committee এই amendment গুলি আলোচনা করেন এবং তার পরে আইনটার যে নূতন খসড়া উপস্থিত করবেন, তখন আমরা একদিনে এই বিল পাশ করতে পারবো। কোন অসুবিধা হ'বে না। আমার মনে হয় বর্ত্তমান অবস্থায় Assemblyর সময়ের সংক্ষেপ হ'বে, কাজেরও সুবিধা হ'বে, সকল বিষয়ের সুবিধা হ'বে। আর তা যদি না করে জেদ করেন যে ভোটের জোরে বিল পাশ করে নিবেন—আপনাদের ভোটের জোর আছে এক ইঞ্চিও নড়বেন না সকল ব্যাপারেই ভোটের জোরে কাজ করবেন—এই যদি মনে করেন তাতে ফল ভাল হ'বে না। অযথা public money waste করে আমাদের দীর্ঘকাল এখানে আটক রাখবেন অথচ আইন ভাল হ'বে না, হয়ত নিছক জেদের বসে ভাল ভাল amendment গৃহীত হ'বে না। কাজেই আমার অনুরোধ এটা আবার Select কমিটিতে পাঠান। তাড়াতাড়ির কোন প্রশ্ন নেই। এই বিলটা যাঁরা ভাল করে পড়েছেন—এমন কি Select Committeeর memberরাও স্বীকার করবেন যে এই amendment গুলির ভিতর এমন অনেক জিনিষ আছে যা গ্রহণ করা দরকার। Amendment আলোচনায় যে সময় নষ্ট হ'বে সে সময় নষ্ট না করে এটা আবার Select Committeeতে পাঠিয়ে দিন এবং Select Committee amendmentগুলি আলোচনা করে ও আরও অন্যকিছু যদি আলোচনার থাকে সে সব আলোচনা করে বিলের খসড়া করে পাঠাতে পারবে। আমরাও সেটা একদিনে পাশ করে দিবো। সেটা আমরা সর্ব্বসম্মতভাবে গ্রহণ করে নিবো। Select Committee দুই পক্ষের লোক নিয়ে গঠিত হয়েছে, প্রথমে আইনের যে খসড়া হ'য়েছিল Select Committee তে আসার পরে তার অনেক উন্নতি হয়েছে, অনেক সংশোধন হয়েছে। আরও সংশোধনের যায়গা আছে। সে সংশোধনগুলি করবার জন্য আমি অনুরোধ করছি, Select Committeeতে পাঠাবার প্রস্তাবটা গ্রহণ করে নিন। তাতে সকলের পক্ষে সুবিধা হ'বে। এই বলে আমার প্রস্তাব Houseএর সমর্থনের জন্য দিচ্ছি।

Mr. SPEAKER: Mr. Bhattacharyya, I do not think there is any necessity for you to move amendment No. 5.

Mr. CANENDRA CHANDRA BHATTACHARJEE: Sir, if this amendment is not accepted then I will move amendment No. 5.

Mr. SPEAKER: In that case you move it now.

Mr. CANENDRA CHANDRA BHATTACHARJEE: All right, Sir. I beg to move that the Bengal Non-Agricultural Tenancy Bill, 1946, be recommitted to the same Select Committee with instructions to submit their report by the 31st May, 1947.

Mr. SPEAKER: No more speech is necessary.

Mr. CANENDRA CHANDRA BHATTACHARJEE: Only one word, Sir. I could not finish it.

Mr. Speaker, Sir, এই ব্যাপার অনেক মেম্বাররা হয়ত জানেন না, বা তাঁরা তা পড়েছেন কিনা আমি জানি না। Select Committeeর রিপোর্টের ভেতর যে সমস্ত dissentient note আছে তার দু-একটা আপনাদের সমক্ষে উপস্থিত করছি।

Mr. SPEAKER: Are you going to speak on the subject? You have already spoken with regard to recommittal of the Bill to the Select Committee.

Mr. CANENDRA CHANDRA BHATTACHARJEE: I shall produce more arguments in favour of my amendment.

Mr. SPEAKER: Please see that you do not repeat the same argument.

Mr. CANENDRA CHANDRA BHATTACHARJEE: It is no pleasure to me to repeat things; but I shall speak new things. আপনারা বিবেচনা করে দেখবেন, কেন এই বিল Select Committeeতে re-committed করা উচিত। এই রিপোর্টের এক জায়গায় মিঃ সেরাজুদ্দিন আহম্মদ নামক একজন মেম্বর এই বিল সম্বন্ধে বলেছেন

"We do not agree that the Howrah Municipal area should be excluded from the purview of the Bill. The conditions under which non-agricultural tenants in Howrah hold lands are in no way different from those prevailing in several other neighbouring municipalities and we do not see any reason why the tenants within the Howrah Municipality should be deprived of the rights and privileges that are proposed to be conferred on such tenants under the Bill."

এই যে একটা dissentient note দিয়েছেন এটা বিশেষভাবে ভেবে দেখা উচিৎ। প্রথমতঃ কথা হচ্ছে হাওড়া মিউনিসিপ্যালিটি যদি Calcutta Improvement Trustএর ভেতর আসতো, তাহলে Calcutta Improvement Trust এর সঙ্গে আলোচিত হয়ে একটা মীমাংসা হতে পারতো। কিন্তু তা কখন হবে বা আদৌ হবে কিনা স্থির নেই। সুতরাং অন্যান্য মফঃস্বলের মিউনিসিপ্যালিটি সম্বন্ধে যে ব্যবস্থা হয়েছে, হাওড়ায়ও সেই ব্যবস্থা হওয়া সঙ্গত কিনা ভেবে দেখা প্রয়োজন। সেখানেও এক সঙ্গে এর ব্যবস্থা হতে পারতো। এসম্বন্ধে Select Committeeতে আরও বিশেষভাবে আলোচনা হওয়া উচিত। এটা একটা গুরুতর কথা হাওড়া মিউনিসিপ্যালিটীকে এই বিলের আওতা থেকে বাদ দিতে চাচ্ছেন, আপনাদের বিবেচনা করতে হবে কেন এটাকে বাদ দেওয়া হচ্ছে। আমি হাওড়া মিউনিসিপ্যালিটী সম্বন্ধে দেখতে পাচ্ছি যে দু-একজন মেম্বারও আপত্তি করেছেন। কাজেই এ বিষয়টা সকলের calmly চিন্তা করা দরকার। কেবল এখানে বক্তৃতা দিলে কোন কাজ হবে না। হাওড়া মিউনিসিপ্যালিটিকে বাদ দিয়ে এ বিলটির বিচার করা বা আলোচনা করা চলতে পারে না। হাওড়া মিউনিসিপ্যালিটিকে এরমধ্যে রাখবেন কি রাখবেন না সেটা আমাদের Select Committeeর মেম্বরদের বার বার ধীরভাবে চিন্তা করে দেখা দরকার। এটা ভাল হবে কি মন্দ হবে সকলে আলোচনা করে সিদ্ধান্ত করা উচিত। এই হাওড়া মিউনিসিপ্যালিটিকে এই Non-Agricultural Tenancy Bill থেকে বাদ দিবেন কি দিবেন না সেটা সকলে ভাল করে বিবেচনা করে দেখুন। Select Committeeতে যেসব মেম্বার

গিয়াছিলেন তাঁরা কেউ একথা অস্বীকার করতে পারবেন না, তাদের কেউ বলেছেন হাওড়া মিউনিসিপ্যালিটিকে এই বিলের মধ্যে রাখো, আর কেউ বলছেন বাদ দাও। এক্ষেত্রে সকলে যদি একমত না হয় তাহ'লে ত জেদাজেদির কথা হবে, আইনের কথা হবে না। এই আইনেতে দেখতে হবে যে হাওড়া মিউনিসিপ্যালিটিকে বাদ দিলে ভাল হবে কিনা, হাওড়ার যারা non-agricultural tenants তাদের মঙ্গল হবে কিনা; বা হাওড়া মিউনিসিপ্যালিটিকে এই বিলের মধ্যে included করতে হবে কিনা। সুতরাং আমাদের কথা চিন্তা ও বিবেচনা করে দেখে এটা নেওয়া উচিত।

তারপরে এই বিল সম্পর্কে আলোচনা করে আওলাত হোসেন খাঁ সাহেব বলেছেন

"As this Act will extend throughout the whole of Bengal, except Calcutta, I see no reason to exclude the area under the municipality of Howrah from the operation of this Bill.

তিনিও পূর্ববর্ত্তী যারা বাদ দেওয়ার পক্ষে তাদের মত সমর্থন করে বলেছেন।

"By this clause right of pre-emption has been conferred to the co-sharers, but its object may be frustrated by putting an unusually high sum as consideration money in the deed of sale, so some power should be given to the court to enquire into the matter to ascertain the sum actually paid by the purchaser as consideration money, and give its decision and dispose of accordingly when the sum of consideration money is challenged by the applicant."

এই যে কথাটা এটা খুব গুরুতর একটা কথা। বাস্তবিক যদি কোন purchaser তার co-sharerকে ঠকাবার জন্য সরিকের সঙ্গে ঝগড়া করে বিদ্বেষবশে তার সম্পত্তি পাঁচশো টাকায় বিক্রী করে দু-হাজার টাকা লিখে রাখলো, যাতে co-sharer pre-emption পেতে না পারে তখন তার কি ব্যবস্থা হতে পারে সেটা সম্বন্ধে আলোচনা হওয়া দরকার।

আমি দেখেছি যাঁরা dissentient note দিয়েছেন, অনেক চিন্তা করে দিয়েছেন হতে পারে, তাঁদের কথার বিরুদ্ধে অনেক কথা বলবার আছে। কারও যদি কিছু বলার থাকে তিনি Select Committeeতে গিয়ে বলুন। এখানে কেবল বক্তৃতা করে কোন জিনিষের মীমাংসা হয় না। এখানে amendment moved করলেন, বক্তৃতা দিলেন, আমরা হ্যাঁ, অথবা না বললাম, আর তাতে আইন হয়ে গেল। এতে কাজের কাজ হয় না। তা না করে প্রত্যেক গুরুতর বিষয়গুলি Select Committeeতে বসে calmly pros and cons আলোচনা করুন এবং তার সুযোগ সুবিধার কথা ভাবুন এবং সকলে মিলে একটা agreed solution এ আসবার ব্যবস্থা করুন। সেইজন্য আমি পুনঃপুনঃ এই বিলটি Select Committeeতে দেবার জন্য আপনাদের অনুরোধ করছি।

আর এক জায়গায় আওলাত হোসেন খাঁ সাহেব বলেছেন

"This should not be confined to only municipal area because such conversion of agricultural land into a non-agricultural one may be necessary in many subdivisional towns and important hats and bazars where there are no municipalities."

(Interruptions)..... আপনাদের আমি অনুরোধ করি আমার কথাগুলি একটু মনোযোগ দিয়ে শুনুন। এই যে হাটবাজার সম্বন্ধে তিনি বলেছেন

"All lands belonging to the local authorities, such as district boards, municipalities and other similar local bodies should be excluded from the operation of this Bill for some reasons for which lands vested in and in possession of (*i*) Government, (*ii*) Port authority, (*iii*) Railway Administration have been excluded. Moreover, I see no reason to differentiate lands of local authorities which they get by land acquisition and others which they may get by purchase or as a gift or otherwise."

আর local authority যদি কোন একটা land কিনে নেয়, তাহ'লে এক ব্যবস্থা হবে; আর যিনি জমির মালিক তিনি যদি local authority কে সেটা দান করে দেন তা'হলে তার-জন্য ভিন্ন রকম আইন হবে এটা আমার কাছে একটা অদ্ভুত ব্যাপার মনে হয়। এই সমস্ত district board—local authority, এরা জনসাধারণের কাজ করছে এবং সেই জনসাধারণের কাজ করবার জন্য এই local

Authorityর সম্বন্ধে একই ব্যবস্থা করা সঙ্গত। তারা এই জমি খরিদ করলে এক রকম আইন হবে, দানে পাওয়াতে আর এক রকম আইন হবে এর মানেটা কি? এটা আমার কাছে উচিত বলে মনে হয় না। এই ব্যাপার সম্বন্ধে আরও গভীরভাবে চিন্তা করা দরকার।

আর একটা dissentient note আছে নোওজেশ আহম্মদ ও মুজিবর রহমান সাহেবের।

আমি জানি না মিঃ মুজিবর রহমান নোয়াখালির কিনা (A VOICE: হ্যাঁ, হ্যাঁ)। তাঁরা বলেছেন

"(*i*) That Howrah be included within the purview of this Bill.

(*ii*) That in clause 16 of this Bill the right of pre-emption has been given to the landlord in case of adjacent land for his personal use provided no co-sharer tenant applies for pre-emption. In this connection, we beg to comment that we are distribution of land and to give scope to the outsiders to come in municipal areas or towns and market place and settle there. It is our experience that in almost all municipalities and towns in Bengal Muslims are in the minority and in consequence of this provision in the Bill no outsider will have any chance to come in the town areas. Under these circumstances we suggest that the landlord shall not have the right of pre-emption in any case. Thus the portion, *i.e.*, where landlords have been given the right of pre-emption, shall be omitted."

সেখানে landlordদের right of pre-emption থাকা উচিৎ কি উচিৎ নয়, সেটা ধীরভাবে বিবেচনা করা উচিৎ।

(Red light shown.)

Mr. SPEAKER : Mr. Bhattacharya, your time is up.

Mr. CANENDRA CHANDRA BHATTACHARJEE: I am sorry Sir, my time is up. Two minutes more, Sir.

এই হাউসের কাছে আমি নিবেদন করবো বিলের মধ্যে এই যে communal mentality এটা খুবই খারাপ। আমরা চাই মুসলমানরা সহরে আসুক, সমানভাবে হিন্দু মুসলমান সকলকে বিবেচনা করা উচিৎ। কিন্তু এখানে generally question ব্যাপারে দেখা যায়, প্রতিদিন question hourএ শুনি কেবল Communal Ratio আর Communal Ratio শুনে শুনে কান ঝালাপালা হয়ে গেল। যে tenant সে গরীব, সেখানে হিন্দু-মুসলমানে কোন পার্থক্য দেখান উচিৎ নয়। সে হিন্দু হলেও যে অধিকার, মুসলমান হলেও তার সেই অধিকার, এটা সমানভাবে দেখা কর্তব্য। যদি কোন landlordকে বঞ্চিত করতে হয় তাহলে সে হিন্দু ও মুসলমান উভয় landlordকে সমানভাবে বঞ্চিত করুন। এই মুসলমানের ধুয়া তুলে এই বিলকে কলুষিত করা অত্যন্ত অন্যায়। যদি কাউকে "রিলিফ" দিতে হয়, তাহ'লে সেটা ও সমানভাবে সকলকে করুন। কাজেই যাতে হিন্দু-মুসলমান সকল non-agricultural tenantএর সমানভাবে মঙ্গল হতে পারে সেজন্য আমি মন্ত্রীমহোদয়কে আবার অনুরোধ করি তিনি আমার প্রস্তাবটি গ্রহণ করে নিন ও বিলটিকে একটি Select Committeeতে পাঠিয়ে দিয়ে ভালভাবে তৈরী ক'রে Houseএ উপস্থিত করুন। বিল বিনা বাধায় সহজে পাশ হ'য়ে যাবে, সকলের মঙ্গল হবে।

Mr. FAZLUR RAHMAN (Mymensingh): Mr. Speaker, Sir, I oppose the motions moved by the Opposition for recommittal of the Bill to the Select Committee. I like to make some observations on the Bill itself. I admit that some definite improvements have been made by the Select Committee, but frankly speaking the improvements are not at all up to what is a bare necessity for the protection of the non-agricultural tenants. Even after the passing of the Bill as it stands now the non-agricultural tenants will remain tenants-at-will in the truest sense of the term. This Bill has only flattered to give some rights to the non-agricultural tenants but in fact nothing has been done for their actual safeguard. (Mr. NISHITHA NATH KUNDU: Then postpone consideration of the Bill.) It is useless now. It is a long pending Bill; and whatever change is necessary must be done on the floor of the House. It has been the demand and a legitimate demand

of the non-agricultural tenants that they should get in their lands a right non-ejectable, heritable and transferable, but the Bill has totally failed to make sufficient safeguard against ejectment. Sections 5 to 8 have only flattered to provide some protection of the non-agricultural tenants against ejectment but in fact there is according to sections 6, 7 and 8 sufficient scope for the landlords to eject their tenants. Not to speak of the tenants who have held such lands for a period less than twelve years either under a lease or otherwise, a tenant who has held a non-agricultural land under a lease in writing for a term of more than twelve years specified in the lease shall, on the expiration of the period so specified, have to renew his lease on fresh conditions which, if not palatable to the landlords, shall compel the tenant, and there will be no other alternative for the tenant but to leave the land where he might have erected his homestead and improved the lands in question in various ways. Under these circumstances, shall I call such provision a sufficient safeguard for the non-agricultural tenants?

A non-agricultural tenant according to this Bill is liable to be ejected if he has broken any condition under the terms of a contract between himself and his landlord. Taking shelter under the clause landlords will always trouble the tenants by threats of ejectment. Much importance has been given to the terms of the contract that might be entered into between the landlord and the tenant. We have got a bitter experience of such terms under which it is very easy for landlords to extort money from the helpless tenants. The Bill has provided for the enhancement of rents up to the extent of 4 per centum of the market value of the land. If any rent is enhanced to that extent the rate of rent will rise up to Rs.1,000 per acre according to the market value of such lands now prevailing in the Province. Will it be fair to allow such enhancement? In the case of a transfer of any land contiguous to any land in possession of the landlord, a landlord has been given the right of pre-emption. The scope of such pre-emption should be given to the co-sharer tenant or to any tenant whose homestead may be contiguous to that land. Under any circumstances a landlord should not be given the right of pre-emption in cases of transfers. Another serious provision has been proposed in this Bill to curtail the existing right of a tenant. The scope for conversion of some agricultural lands into non-agricultural tenancies has been provided in this Bill in favour of landlords. This is really an encroachment on the legitimate rights of a tenant which he has been enjoying under the Bengal Tenancy Act.

With these words, I oppose the motion for recommital to the same Select Committee.

Mr. DHIRENDRA NARAYAN MUKHERJI: Sir, there are a large number of amendments tabled by members of our party, and if they are to be moved, it will take a very long time of the House. So in order to avoid the same we are calling a party meeting to decide our course of action. I would therefore request you to adjourn the House today and postpone discussion of the Bill.

The Hon'ble Mr. FAZLUR RAHMAN: As consideration of the Bill by the members of the Congress party may have the effect of shortening the time I am prepared to agree that the Bill may not be proceeded with today so as to enable them to discuss the matter in their party meeting. I hope it will have the effect of shortening the time during which the Bill may be passed.

Mr. MUHAMMAD ISRAIL: I do not know whether the motion for recommital may be disposed of today.

Mr. SPEAKER: It appears that the Opposition wants to consult the party with regard to the attitude they would take in respect of this Bill

and Government is prepared to give them a chance. I think time lost today would be saved during the 2nd and 3rd reading of the Bill. If that is the intention, I do not stand in the way and will adjourn the House now.

Mr. NIHARENDU DUTT-MAZUMDAR: We are going to give a chance to Government to see whether they take a sensible view.

Mr. SPEAKER: The Chair will hope for the best from both sides.

Adjournment.

The House was then adjourned at 5-20 p.m. till 4-45 p.m. on Friday, the 2nd May, 1947, at the Assembly House, Calcutta.

Proceedings of the Bengal Legislative Assembly assembled under the provisions of the Government of India Act, 1935.

THE ASSEMBLY met in the Assembly House, Calcutta, on Friday, the 2nd May, 1947, at 4-45 p.m.

Present:

Mr. Speaker (the Hon'ble Mr. NURUL AMIN) in the Chair, 8 Hon'ble Ministers and 165 members.

UNSTARRED QUESTIONS

(answers to which were laid on the table)

Certain informations in connection with Noakhali disturbances.

89. Mr. BEJOY KRISHNA SARKAR: Will the Hon'ble Minister in charge of the Home Department be pleased to state—

(*a*) the number of forcible marriages during the last communal riot in Noakhali and Tippera districts;

(*b*) the number of houses belonging to the Hindus and Muslims that were burnt in the last said riot;

(*c*) the number of miscreants that were arrested in the said riot in Noakhali and Tippera districts; and

(*d*) the number of them that were granted bails?

MINISTER in charge of the HOME DEPARTMENT (the Hon'ble Mr. H. S. Suhrawardy):

(*a*) Noakhali—Two.
Tippera—One.

(*b*) Noakhali—
Hindus—881.
Muslims—26.

Tippera—
Hindus—1,718.
Muslim—1.

(*c*) Noakhali—1,061.
Tippera—1,136.

(*d*) Noakhali—909.
Tippera—912.

Mr. MUHAMMAD HABIBULLAH CHAUDHURY: Will the Hon'ble Minister be pleased to state how many of the arrested persons died in hospital?

Mr. K. NASARULLA: I ask for notice.

Opening of dispensaries in rural areas.

90. Dr. MOZAMMEL HOSSAIN: Will the Hon'ble Minister in charge of Health and Local Self-Government Department be pleased to state what steps he has taken or proposes to take for opening dispensaries in rural areas during this year?

MINISTER in charge of the HEALTH and LOCAL SELF-GOVERNMENT DEPARTMENT (the Hon'ble Mr. Mohammed Ali): Development Scheme No. 183 has been drawn up with a view to open new dispensaries in rural areas. Details of the scheme including a type-plan for dispensaries are still under consideration of this Government. At the same time, this Government has taken up the matter with the Government of India in order to obtain the consent of the latter to the immediate implementation of the scheme as soon as the details are ready. A provision of Rs.5 lakhs has been made in the current year's budget so that the scheme might be put into execution later this year as soon as Government of India's consent is obtained.

Mr. AMULYA CHANDRA ADHIKARI: Will the Hon'ble Minister be pleased to state if Government will consider the desirability of establishing at least one dispensary in each union?

Mr. S. A. SALIM: Surely, if the fund permits.

Mr. MUHAMMAD HABIBULLAH CHAUDHURY: Will the Hon'ble Minister be pleased to state what is the Government plan in regard to the distribution of hospitals in different thanas and unions?

Mr. S. A. SALIM: Government have got a plan and that is being considered now.

Mr. MUHAMMAD HABIBULLAH CHAUDHURY: Will the Hon'ble Minister be pleased to state whether it is a fact that in Chittagong and other places the policy of carrying coal to New Castle is being followed?

Mr. S. A. SALIM: I had already stated the position yesterday.

Mr. BIMAL COMAR GHOSE: Will the Hon'ble Minister be pleased to state if the Government have sufficient fund at their disposal to permit opening of one dispensary in each union?

Mr. S. A. SALIM: I have already said if sufficient money is available, Government always encourage the establishment of village dispensaries in each union.

Mr. BADIUZZAMAN MUHAMMAD ILIAS: Will the Hon'ble Minister be pleased to state whether it is at all essential to obtain permission of the Government of India when the money would be paid from the Bengal exchequer?

Mr. S. A. SALIM: So far as the dispensaries are concerned, the answer is in the negative.

Mr. BENODE CHANDRA CHAKRABORTY: Will the Hon'ble Minister be pleased to state when the scheme was drawn up?

Mr. S. A. SALIM: I ask for notice.

Mr. AMULYA CHANDRA ADHIKARI: In view of the answer just given that Government are considering the desirability of establishing one dispensary in each union, will the Hon'ble Minister be pleased to state if the services of a sufficient number of qualified doctors are available for conducting the dispensaries?

Mr. S. A. SALIM: Steps are being taken to get a sufficient number of qualified doctors.

Mr. AMULYA CHANDRA ADHIKARI: In view of the answer just given, will the Hon'ble Minister be pleased to state whether Government is contemplating to establish at least one medical school in each district in order to have a sufficient number of qualified doctors?

Mr. S. A. SALIM: As a matter of fact, it is the intention of the Government to have a medical school established in each district. But establishment of such schools requires money and that is under the consideration of Government.

Mr. MUHAMMAD HABIBULLAH CHAUDHURY: Will the Hon'ble Minister be pleased to state whether if the Government of India do not give consent the scheme will fall through?

Mr. S. A. SALIM: The Government of India is expected to give their consent to the scheme.

Mr. NIHARENDU DUTT-MAZUMDAR: Will the Hon'ble Minister be pleased to state whether, with reference to the type-plan for dispensaries as mentioned in the answer, the opinion and views of the Indian Medical Association were taken on that plan?

Mr. S. A. SALIM: I think so.

Mr. NIHARENDU DUTT-MAZUMDAR: Will the Hon'ble Minister be pleased to state whether the Government has accepted the views of the Indian Medical Association?

Mr. S. A. SALIM: I will look into the matter. At the present moment the papers are not with me and I am not able to express anything definitely as to whether Government has accepted the views of the Indian Medical Association.

Mr. NIHARENDU DUTT-MAZUMDAR: Will the Hon'ble Minister be pleased to state whether the opinion of the Indian Medical Association has been actually taken or not?

Mr. S. A. SALIM: I think so, as I have already stated.

Mr. BENODE CHANDRA CHAKRABORTY: Will the Hon'ble Minister be pleased to state if public opinion will be taken in selecting the sites for opening dispensaries in rural areas?

Mr. S. A. SALIM: Selection of sites for establishment of dispensaries in rural areas, union by union, is generally made by the union boards concerned. The union board is a representative organisation of all the people of respective unions.

Mr. NIHARENDU DUTT-MAZUMDAR: Will the Hon'ble Minister be pleased to state whether the Government plan includes also the establishment of Ayurvedic and Unani centres for this purpose in rural areas?

Mr. S. A. SALIM: No, Sir.

Mr. NIHARENDU DUTT-MAZUMDAR: Will the Hon'ble Minister be pleased to state whether Government is considering the desirability of finding out if the Unani and Ayurvedic systems of treatment might be of greater value in the rural areas?

Mr. S. A. SALIM: No, Sir.

Mr. NIHARENDU DUTT-MAZUMDAR: Will the Hon'ble Minister be pleased to state whether Government grant any aid to Ayurvedic and Unani institutions in Bengal?

Mr. S. A. SALIM: No, Sir, except to the University of Dacca recently for establishment of a Court of Study in Unani and Ayurvedic Medicines.

Mr. NIHARENDU DUTT-MAZUMDAR: In view of the last answer given, will the Hon'ble Minister be pleased to state if it is the

policy of the Government to encourage the development of indigenous systems such as Ayurved, Unani and other things, or if it is the policy of the Government not to encourage these systems at all in the rural areas?

Mr. SPEAKER: That is far from the main question.

Mr. NIHARENDU DUTT-MAZUMDAR: Sir, it is with reference to type-plan. I asked whether the type-plan included certain things, and arising out of the Hon'ble Minister's answer I am putting this question as to whether the Hon'ble Minister has considered the advisability of encouraging the Ayurvedic and the Unani systems of treatment in these rural centres for the easiness in the matter of obtaining the drugs which are growing in our own villages?

Mr. S. A. SALIM: No, Sir.

Mr. NIHARENDU DUTT-MAZUMDAR: Will the Hon'ble Minister be pleased to state whether Government is interested in the importation of foreign drugs?

Mr. S. A. SALIM: No.

Mr. NIHARENDU DUTT-MAZUMDAR: In view of the fact that foreign drugs are not easily available and are very costly and also in view of the fact that it is not possible for Government to start Allopathic dispensaries in each union, will the Hon'ble Minister be pleased to consider the desirability of starting one hospital in each union for treatment in Ayurvedic, Unani and Homæopathic systems?

Mr. S. A. SALIM: As far as the question of establishing Unani and Ayurvedic hospitals is concerned, Government do not feel that these will be of great service to the community, and as far as Allopathic medicines are concerned there are at the present moment sufficient stocks for supply to hospitals.

Mr. NIHARENDU DUTT-MAZUMDAR: Will the Hon'ble Minister be pleased to state whether the Government scheme also includes schemes for the supply of medicines and other medical appliances for these rural health centres?

Mr. S. A. SALIM: Yes.

Mr. NIHARENDU DUTT-MAZUMDAR: Will the Hon'ble Minister be pleased to state whether it is the policy of Government to make Bengal self-contained in respect of supply of medicines and medical appliances for the full growth of rural health centres?

Mr. S. A. SALIM: As far as possible.

Mr. NIHARENDU DUTT-MAZUMDAR: Will the Hon'ble Minister be pleased to state whether Government has considered any sources so far for the purpose of supplying of the large stock of medicines and medical appliances that will be needed for the development of these health centres?

Mr. S. A. SALIM: The matter is under examination of the Government.

Mr. NIHARENDU DUTT-MAZUMDAR: Will the Hon'ble Minister be pleased to state how long this matter has been under the examination of Government and by when Government expects to come to its own finding?

Mr. S. A. SALIM: The answer to the first part of the question is, only two months and that to the second part also is, two months.

Mr. BADIUZZAMAN MUHAMMAD ILIAS: On a point of order, Sir. It is the custom of the House that only in the absence of the Hon'ble

Minister the Parliamentary Secretary can reply. But we find that although the Hon'ble Minister is present in the House the Parliamentary Secretary replies.

Mr. SPEAKER: It is no point of order.

Mr. MUHAMMAD HABIBULLAH CHAUDHURY: Will the Hon'ble Minister be pleased to state whether in view of the fact that Government cannot start hospitals in different unions Government will consider the desirability of appointing more doctors to move about in the villages to give medical aid to the diseased people.

Mr. S. A. SALIM: There are already sufficient number of hospitals in subdivisions.

Mr. MUHAMMAD HABIBULLAH CHAUDHURY: Will the Hon'ble Minister be pleased to state how many hospitals there are in each subdivision?

Mr. S. A. SALIM: Each subdivisional headquarters has got a hospital.

Mr. MUHAMMAD HABIBULLAH CHAUDHURY: Will the Hon'ble Minister be pleased to state——

Mr. SPEAKER: Mr. Chaudhury, you should not forget that you are not the only member to put supplementary questions: there are other members also who want to participate in questions.

Mr. ALI AHMED CHOWDHURY: Will the Hon'ble Minister be pleased to state whether all these subdivisional hospitals include maternity wards?

Mr. S. A. SALIM: Most of these hospitals include maternity wards.

Mr. BENODE CHANDRA CHAKRABORTY: Will the Hon'ble Minister be pleased to state if the scheme shall ever be published for public opinion, and if so, when and how.

Mr. S. A. SALIM: No.

Mr. NIHARENDU DUTT-MAZUMDAR: In view of the fact that this scheme relates to public interest, does the Government consider the desirability of publishing the scheme which is under Government's consideration with a view to elicit public opinion and suggestions on the scheme?

Mr. S. A. SALIM: I hope it will be published after the whole scheme has been finalised by the Government.

Mr. NIHARENDU DUTT-MAZUMDAR: That is to say, after two months' time which Government will take to examine the scheme, the scheme will be published. Is that so?

Mr. S. A. SALIM: Yes.

Mr. SPEAKER: Questions over.

Inadequacy of time for giving notices of amendments.

Mr. NIHARENDU DUTT-MAZUMDAR: Mr. Speaker, Sir, I have got a very important matter to bring to your notice. I find in the order paper along with the list of business for to-day that has been circulated to us that the Bengal Protection and Conservation of Fisheries Bill, 1947, is to be taken up on the 5th of May, and in this connection I have to invite your attention to this point that the 25th of April, 3 o'clock in the afternoon, was the latest time fixed for giving notices of amendments to that Bill. But, Sir, we received that circular notice only on the evening

of the 24th April, and many of the members did not not even receive that notice at all. This is a very important Bill involving very grave and fundamental questions, and therefore I suggest that you will give your consideration to this point and allow us sufficient margin of time to enable us to give notices of amendments. Practically, Sir, we have been shut out from the opportunity of giving notices of amendments, and of late this has often been happening. There is another Bill, Sir,—the Calcutta Rent Bill, 1947; this Bill is to be taken up soon and the last day fixed for giving notices of amendments to that Bill is Monday, the 5th of May. This is a very unreasonably short period of notice that has been given to us and I think you will consider it necessary to rectify this state of affairs and give ample and reasonable time to members to go through these important Bills so as to enable them to give notices of very important amendments. With regard to this short period of notice given, this was also raised by Mr. Stark the other day——

Mr. SPEAKER: That was in connection with another matter.

Mr. NIHARENDU DUTT-MAZUMDAR: But that shows that this seems to be happening very often now-a-days, and I am afraid that in respect of the Bengal Protection and Conservation of Fisheries Bill, 1947, the time given was practically rendered null and void. We could not get any opportunity of giving notices of amendments and I submit therefore that the time for giving notices of amendments to that Bill should be extended, and thus you will come to our help in respect of this Bill as also in respect of the Calcutta Rent Bill, 1947.

Mr. SPEAKER: Mr. Dutt-Mazumdar, with regard to the Calcutta Rent Bill I shall certainly consider the point that you have raised, but with regard to the other Bill this point ought to have been raised much earlier. The notice reached you on the 24th and the question ought to have been raised in the House long ago.

Mr. BIMAL CHANDRA SINHA: Sir, we could not raise this point before because many members did not receive any notice at all, and as for myself I did not receive any notice at all.

Mr. SPEAKER: But, Mr. Sinha, I have been speaking about members who actually received the notice on the 24th evening but did not raise the point immediately thereafter.

Mr. NIHARENDU DUTT-MAZUMDAR: Sir, I received a letter asking to send notices of amendments to that Bill by the 25th April on the evening of the 24th and as there was a *hartal* on the 25th and curfew thereafter I could not get an opportunity of bringing the matter to your notice. But I took the earliest opportunity on the next day and I pointed this out to the Secretary, Mr. K. Ali Afzal, that only last evening I got the notice. I also pointed this out to your office, and I do not know whether it has been brought to your notice. It is now only that I have got an opportunity to bring it to your notice and I hope you will be pleased to give your consideration to this matter for it will really result in very material injustice being done to us and it will also take away a valued privilege of the members of this House if time for giving notices of amendments to the Bengal Protection and Conservation of Fisheries Bill is not extended. As I have already said, I had brought it to the notice of your Secretary and your office. Moreover, many members of our party did not get any notice and on that account we had discussions amongst ourselves and after that discussion we have brought it to your notice today hoping that some remedy will be found.

Mr. SPEAKER: I do not know when the notices were issued, and I cannot give the exact date now as to when they were issued. But you received it on the 24th evening and you ought to have brought it to my

notice immediately thereafter so that I could extend the time up to today or yesterday. This Bill is coming on the 5th of May and the point has been raised today.

Mr. NIHARENDU DUTT-MAZUMDAR: Mr. Speaker, Sir, I hope you will be kind enough to take notice of the fact that we have been meeting since the 25th of May up till now under unusual circumstances, and everyday something new has been cropping up. On the 25th April, I brought it to the notice of your office and also of the Secretary and I have brought it to your notice today that in the circumstances now prevailing it was not possible in the present state of emergency regarding public order and tranquillity for the House to sit every day and sometimes it had to be adjourned. There were adjournment motions, and the House was also adjourned one day as a mark of mourning and every day you will find there were very good reasons why it could not be brought to your notice on the floor of the House. It is only to-day that we have got an opportunity to bring it to your notice and I have done so. I hope all this will not be taken to our prejudice.

Mr. SPEAKER: I only point out that it ought to have been brought to my notice earlier, you say that because there were certain circumstances you could not bring it to my notice. But other discussions took place on the floor of the House and you could bring the matter to my notice at that time. However, I extend the time till 3 p.m. on Monday next so far as the Bengal Protection and Conservation of Fisheries Bill is concerned.

Mr. NIHARENDU DUTT-MAZUMDAR: Thank you, Sir.

Mr. BIMAL CHANDRA SINHA: What about the Calcutta Rent Bill?

Mr. SPEAKER: I have said that I will consider that matter.

Mr. BIMAL CHANDRA SINHA: May I make one suggestion? The usual procedure of the House is to give notice of amendments ten days earlier. I think that is the correct position so far as the rules are concerned. Unless you give a specific direction that the rules are suspended, the usual period of notice stands. May I ask whether you have given your direction in this particular case?

Mr. SPEAKER: Certainly.

Mr. BIMAL CHANDRA SINHA: Then I would beg to submit to you from this side of the House that in the very unusual circumstances in which we are conducting the business at present it would be hardly fair for us if we are to submit amendments at a day's notice or two days' notice or three days' notice. Sir, these things, I think, should not be hurried through and there should be ample time for submitting amendments. In this case, I submit, the usual statutory time should be allowed to us for submitting amendments; otherwise if a special procedure replaces the ordinary procedure, that would be unfair in the ordinary circumstances and very unfair in the special circumstances in which we are discussing these Bills.

Mr. SPEAKER: I do not accept the proposition that the time allowed for amendments has been only for two or three days. That is not correct. In no case notice of amendments was asked for only with two or three days' time. That is certainly not true. I do not think any member would be able to point that out.

Mr. BIMAL CHANDRA SINHA: I referred to this particular Bill.

Mr. SPEAKER: I do not know when it reached you. I am not concerned with that. I am only concerned with the despatch from my office.

Mr. BIMAL CHANDRA SINHA: A circular has been issued No. 57 (250) L. A., dated Calcutta, the 2nd May. Certainly it cannot reach us before the 2nd May.

Mr. SPEAKER: I am not speaking about that. I have already assured the House that I will consider the point raised here with regard to the Calcutta Rent Bill.

Mr. BIMAL CHANDRA SINHA: I suggest that it is not a question of a particular bill. The usual proceedure should be that we should be allowed ten days' time and you should be pleased not to suspend the rule.

Mr. SPEAKER: I know that is in the rule.

Mr. NIHARENDU DUTT-MAZUMDAR: That rule may be strictly adhered to.

Mr. HARIPADA CHATTERJEE: This is rather an unusual period and you should observe this rule very strictly.

Mr. SPEAKER: I do not think strict observance of the rule takes away the Speaker's right to suspend the rule.

Mr. NIHARENDU DUTT-MAZUMDAR: That has not in the least been suggested by us.

Mr. SPEAKER: The power of suspension of a rule is also in the rules.

Mr. BIMAL CHANDRA SINHA: Yes, Sir I quite agree to that. What I submit is that special power should not be used. I submit that for your consideration.

Mr. NISHITHA NATH KUNDU: It should also not be arbitrary.

Mr. SPEAKER: Certainly not. When the Chair does anything, he takes the entire responsibility and he is prepared to explain it to the House.

Non-official Members' Resolutions.

Mr. MD. ISRAIL: I beg to move that this Assembly is of opinion that immediate steps be taken by the Government of Bengal to nationalise the jute industry.

Sir, my motion would have been inopportune and out of place if moved a decade ago. Now nationalisation is the order of the day. The Labour Government of England has taken a lead in this matter and has revolutionised the United Kingdom by nationalising the Bank of England and other key industries. The Labour Government is forging ahead in spite of the troubles both at Home and abroad. The question may be raised here that the time is not opportune for a matter like this, but if the Government of United Kingdom in the midst of so many crises both at Home and in international sphere could not allow the postponement of these nationalisation measures, why the Government of Bengal could not launch on this venture? The Government of India also in a similar or more difficult position could take up nationalisation of the Reserve Bank of India, and in all other provinces of India also we find that key industries are being nationalised. I think it will be quite in the fitness of things to embark on the nationalisation of key industries like the jute in which teeming millions of Bengal are interested.

Sir, it was in the year 1931 when the Finlow Enquiry Committee was appointed just to go through the question of jute and to suggest means

how the cultivators can be helped and that report was published in the year 1931 and a resolution was passed in the year 1932 by the then Council, but no effect has been given by the Government to these recommendations. Subsequently another jute enquiry committee was appointed in the year 1938 and the recommendations of that committee also were out by the year 1939 and that committee recommended many things. Government has accepted therein only the compulsory restriction of jute. Among other things they recommended standardisation of weights and measures but I am very sorry to say that even now Government has not as yet taken up the Bill for standardisation of weights and measures. They also recommended for checking deduction and illegal allowances which are prevalent in jute trade and Government has up till now taken no steps for this also. They also recommended that fresh use for jute be also taken up. Government has not as yet taken any step in that direction also. There was a recommendation for establishment of warehouses either in a regulated market or in another form, but no warehouses have as yet been established in Bengal. There was recommendation for grading. Very recently Government has appointed certain grading parties but the way in which they are proceeding is not at all encouraging. The cultivators are not getting any information from these grading parties, also how jute can be graded. The jute growers are very much cheated by the grading system also. Previously in each year different grades were adopted. In one year one form of grading was adopted. Now the present grades are top, middle and bottom and in some year there is a low bottom also but these things are never brought to the notice of the cultivators and so the jute which may be classified as top is many a time sold as bottom or lower bottom because the cultivators are not aware of this.

Sir, I will read to the House an extract from the report of the Jute Enquiry Committee in which one of our members himself suggested as long back as 1938 for nationalisation of jute industry. He said—

"But nationalisation of the entire jute industry—jute mills and jute presses and all—by buying it off would be a perfectly non-revolutionary and even respectable step. The Bureaucratic Government of India, even before the Reforms Act of 1935, had accepted and has been carrying out that policy as far as the Railways are concerned. The total paid up capital in the jute mills was in 1936-37 about 23 crores. Even if we include the presses and other adjuncts the total capital invested in jute industry at the present day must be well below 25 crores; whereas the capital invested in Railways was about 75 crores, i.e., about three times as much. The number of men employed in Railways is also about three times as much as in jute mills. The difficulty and immensity of the problem of manning and running the vast system of Railways spread out 50,000 miles throughout the length and breadth of this great sub-continent of India, is certainly not comparable at all to the problem of managing about 75 factories within easy reach of Calcutta manufacturing the same kind of stereotyped hessian and sacking for decades.

But it is a staggering fact that the profit in money to the 350 millions of Indians from the Railways investing 75 crores of rupees is much less in any normal year, than that derived by a handful of owners of jute mills from less than 25 crores invested in this industry. If the vast Railway system can be nationalised why not the jute industry by buying it off?

But why buy? If we refuse to pay any compensation to share holder who has already drawn double the amount of his investment, shall we be wrong? Why? In the Moneylenders Bill passed by the previous Bengal Legislative Council and amended recently by the present Bengal Legislative Assembly with still more stringent provisions, this is the principle

which had been almost unanimously accepted. Even the representatives of the jute mills in the Assembly did not raise any protest and rightly so. Now if we apply the same principle on them why should they grudge or grumble?"

Sir, my point is that so far as the jute industry is concerned the poor ignorant cultivators did not know how to manage their own affairs and how to have a good price. The Jute Enquiry Committee of 1938 also recommended that a minimum price should be followed by Government. At different times the Government adopted minimum price, but they had no machinery to enforce that minimum price, and during the war they had not only the minimum price but also the maximum price fixed. The fixation of the maximum price was to the detriment of the jute growers. When in one year the minimum price was fixed the cultivators were given to understand that the Government of India would come to the rescue of the Government of Bengal by providing funds, so that the cultivators may get a good price, but the Government of India did not come to the rescue and no fund was set up. Now we are entirely at the mercy of jute mills, so far as jute prices are concerned. The Jute Committee also recommended: "We conclude that the fundamental weakness of the jute industry at present is the existence of a large surplus capacity, which will act as a perpetual drag on prices as long as it lasts." So jute mills take recourse to deceiving the cultivators of their due price; and even when Government fixes the area which is to be sown by the cultivators—there also the jute mill industry always insists that more field should be brought under jute cultivation with the idea that the cultivators may get less price. This year also they pressed for a much higher percentage than what Government had announced For all these things we find that, so far as the jute growers of Bengal are concerned, they are not getting a fair deal in the hands of Government or in the hands of the jute mills.

The purpose of my motion is that Government should take it up in their own hands, so that they may see that the cultivators are given a fair deal and they are not deceived by anyone. Very recently Government has announced their decision and they have appointed a committee, but there also we find that, so far as representatives of jute growers are concerned, they are practically nil in the committee. Only representatives of the jute industry and other experts have been taken in and also officials, but so far as jute growers are concerned for whom the entire thing is meant, they have been automatically excluded. Only two or three persons have been taken in viz Mr Aulad Hossain, Mr. Tamizuddin, Mr. Abdus Salam and Mr. Manoranjan Dhar. These are the persons who have been taken in probably on behalf of the jute growers. If Government is serious and if they mean business, they ought to take more representatives from the growers—at least 50 per cent, so that they can represent their views before the committee—whether the jute industry should be nationalised, how it should be nationaliesd, in what way and in what form it should be beneficial to them. If Government is sincere then I think they will accept my proposal and at least add to the committee the representatives of jute growers, so that the recommendations of the committee may be beneficial to the growers.

Another thing to which I would like to draw the attention of Government is that Government has not fixed any time-limit to the committee. We do not know what is in the contemplation of Government about this matter,—whether they want to do it in one, two, three or five years,—within how many years Government propose to finish the work of this committee. That is not at all clear from the communique that has been issued by the Government. There also we are at a loss to understand how Government propose to finish the work and within how many years. I would urge upon Government to make this point clear at the time of answer. Then,

Sir, the terms of reference here are not as wide as they ought to have been. I think more points ought to have been included in the terms of reference, so that the committee may go into all questions that may be necessary for the purpose.

So far as the present motion is concerned, I would just finish by saying that as Government has accepted the principle and has announced its decision also, I do not want to press it. But so far as the details are concerned, I do not agree about the personnel and also because there is no time-limit.

With these points, Sir, I hope Government will make their position clear when the Hon'ble Minister in charge answers on this point.

Mr. AMULYA CHANDRA ADHIKARI: Sir, I have heard with keen attention and interest the speech delivered by my friend Mr. Israil when introducing his resolution. As both Mr. Israil and myself come from the same constituency which is a famous jute-growing district in Bengal, I feel it necessary to express my views on the matter.

Nationalisation of jute industry was long overdue. A mononoly production like jute has been left entirely to serve the interests of a few foreigners and parasites who have got no real mooring in this Province. Moreover we find that for the interest of these foreigners Government fixed maximum price of this monopoly raw material. It is strange that this swelling of the pockets of the foreigners at the cost of the poor tillers of the soil was tolerated by the people of this province. There was no protest except feeble voice of the nationalist elements which, we often marked with painful surprise, were drowned by the jeerings of the members who are now sitting in the Government benches. They were not at all ashamed of their conduct. However, if this resolution brings back the good sense in the mind of those who are now playing with the fates of the millions of the poor cultivators of this Province and if the present Ministry sheds its communal fanaticism for a moment and instead apply their attention to amelorate the condition of a few middle-class Muslims by communalising the Government services, concentrate their mind to the real upliftment of men behind the plough, we would certainly welcome this resolution.

Sir, I must make it clear at the very outset that we want complete nationalisation of all key industries as much as we want complete socialisation of land under a Kisan-Mazdur Raj where real democracy will prevail. Congress has unequivocally declared its aim as the establishment of a Kisan-Mazdur Raj.

While we accept the principle of nationalisation of the jute industry, I must impress upon the House the fact that before nationalising any industry, we must put our own house in order. We must have a national Government which will be a bona-fide one to handle the affairs of the nation as a whole. The communal character of this Government has given rise to apprehension in the minds of all those who are nationalists and lovers of democracy. The two-nation theory catered in the kitchen of illusive Pakistan has vitiated the atmosphere of this Province so much so that even the good intentions are interpreted in the light of communalism. I would ask this communal Government to realise the position they have assumed. On their own admission it is a party Government—a party which has already earned the notoriety for its extreme communal bias. This Government is no respecter of the fundamental rights of citizens. It is a partisan Government. I would like to point out here that the Government which have got no national outlook cannot be entrusted with the task of nationalising any industry. I would therefore ask my friend Mr. Israil if he is ready to ask this party Government to change its communal character and if this Government is ready to accept the definition of nation as defined in the Political Philosophy. I would

request my friend Mr. Israil to ask this Government to shed its extreme communalism which is a relic of the middle age and which is emitting obnoxious smell of Nazism. This Government by their acts of omissions and commissions have already forfeited the confidence of the great Hindu community. It is high time to realise that their acts of commissions and omissions have driven the great Hindu community on the verge of revolution which is for the present taking a concrete shape in the partition movement.

My further suggestion to my friend Mr. Israil is that if he fails to mend this communal Government he should be ready to join hands with us to end this Government which is a slur on the good name of Bengal. He is welcome to join the revolutionary forces that are gradually making headway to eradicate the evils of communalism and establish a national Government or Kisan Mazdur Raj. His vision of nationalisation will materialse only in the hands of a national Government which is yet to come.

Sir, jute industry which vitally affects the millions of cultivators of this Province and which is the monopoly industry of this Province should be very carefully handled for the benefit of dumb millions of the huts and fields. I understand that Government have appointed a committee to examine the question carefully. I quite agree with Mr. Israil when he said that this Committee is not constituted properly as it hardly represents the jute-growers of Bengal. I do not know what would be the findings of this Committee. Therefore I will refrain from advancing any remarks for the moment

I, however, support the principle of the resolution though I strongly object to entrust the task of nationalisation to the present communal Government which have no national outlook at all.

(At this stage the House was adjourned for 15 minutes.)

(After adjournment.)

Mr. SPEAKER: At the request of some of the members I have extended the time for submission of amendments to the Bengal Protection and Conservation of Fishes Bill, 1947, till 5 p.m. on Monday, the 5th. So far as the Calcutta Rent Bill, 1947, is concerned, the last date for the submission of amendments to this Bill will be 5 p.m. on Tuesday, the 6th.

(Mr. Kanai Lal De rose to speak.)

Mr. SPEAKER: Mr. Mazharul Haque wanted to speak.

Mr. A. T. MAZHARUL HAQUE: Sir, I associate myself with the views expressed by the honourable sponsor of the motion, Mr. Muhammad Israil. I fully agree with the constructive criticism that has been offered by him for the nationalisation of jute industry in Bengal. Sir, I also agree with the view that has been expressed by my friend opposite that this nationalisation question is long overdue. Sir, the jute is the most formidable national wealth of Bengal, because Bengal only produces jute. It has got a unique position in the whole world, and if we can nationalise this industry, we believe that Bengal can see in very near future great days when Bengal peasants—the actual tillers of the soil, can have plenty of money to live on. So, Sir, it has been a very very important question for us. Now, Sir, what happens in jute industry is this. While on the one hand, capitalists, foreign capitalists even non-Bengali capitalists, have made it their entire monopoly to have all the income of the jute industry in their hands, on the other, poor cultivators in the countryside are sweating in the process of growing jute. While these poor cultivators are sustaining great loss in producing this material, our friends —the mill-owners, the bale makers, and those other jute concerns, grow

fat in money and wealth which cannot even be imagined. Sir, we find in the countryside that while the poor peasants suffer terrible loss in growing jute, they cannot even purchase commodities and foodstuff, they cannot buy them with the prices of jute—an equal amount of bare necessities of life—, our Marwari friends who come to this country with simply a rag on their back and a water pot in their hands, are growing multi-millionaire everyday. The picture will appear complete if you ever visit those jute purchasing stations—Narayanganj, Chandpur, and many other places in North Bengal. Now, Sir, what is the remedy? This is a crop which is capable of yielding the greatest possible wealth to the sons of Bengal, who actually take to cultivation. I therefore think that it is high time that the entire industry should be taken up by Government, and some efficient system, as the House may desire, may be adopted in order to ensure the prosperity of Bengal.

(At this stage Husan Ara Begum occupied the chair.)

Madam, let me first deal with the conditions of cultivation of jute. First of all, jute seeds are sown, then they have to go under deep water to cut the jute after it is grown. After it is cut they have to thrash it and then it has got to be dried in the sun. Each maund of jute now-a-days costs a cultivator ten to twelve rupees only for production leaving aside the rent of the land on which it is grown. And what happens to him? You will find that as soon as jute is ready, whatever may be the rate, his urge of necessity to meet the daily needs of life compels him to sell the commodity. He sells it for whatever price he can avail himself of. Not only that, even when the jute is still standing in the land, these people are compelled to sell it before it is cut and *Fariahs* who are found all over the country go to peasants, make small advances, and offer them allurements for selling the jute. Now after jute is prepared it goes from one hand to another and again to another hand till it reaches the jute associations and jute mills, and they make a huge profit. To make the case worse, there is no return available from jute mills to show the income derived from jute. You cannot understand how much profit they make. They won't publish the return. You can only get an idea of the profit and gain of the jute mills from the prices of shares which sometimes have gone up by three to four hundred per cent. of the share value of the jute mills, and from this you can understand the fabulous income derived from jute by these jute mills. And now whenever we attempt to fix the price of jute or to de-control it, they raise hue and cry and say that if you raise the price too much, the poor Bengali people will suffer because there will be substitutes produced in other parts of the world, and that jute industry will die a natural death. This sort of flimsy arguments are advanced whenever something is sought to be done for our poor cultivators.

Now, I do not know of a single member of the Jute Mills Association who is a Bengali Muslim; I do not know of a single member of the Jute Balers' Association who is a Bengali Muslim; nor do I know of any Bengali—Muslim or Hindu, baler in Bengal. These concerns, these associations and organisations are the monopoly of jute-mill owners. So, Madam, it is high time that every effort should be made by the Government of Bengal to nationalise the jute industry. Of course, some apprehension has been expressed by my friends opposite against the Government that this may not be the fit Government to carry out the policy of nationalisation. I say that whatever may be the form of Government, and whichever Government may be in power—Congress or Muslim League—their intention must be to better and ameliorate the condition of the poor peasants of Bengal. It may be Congress, it may be Muslim League, it may be any other Government. There may be a division of Bengal even but anybody going to run the Government must look to the condition of the peasant and therefore must support the nationalisation of this industry.

I have with great pain realised that the statement made by my friend Mr. Israil about the policy of the Government to nationalise is wrong because the statement that has been given to the members even now does not show that they mean the entire nationalisation. The proposal of the Government before the Committee is just to raise certain revenue, just to get certain revenue for the Provincial Government out of the earnings of the mill-owners. I should say it is a very lamentable state of affairs it such is the instruction of the committee or if any statement exists by Hon'ble Mr. Suhrawardy, as it is supposed to exist. I must say that there is no question of taking some revenue from the mill-owners. It is the question of increasing the national wealth of Bengal. Be he a Hindu, be he a Muslim, he must get a regular share of the income of this highly profitable commodity.

Now, Madam, I think that Government should come forward with the declaration of their policy for the entire nationalisation of this industry and do something to improve the financial position of this province which has been so much criticised by all sections of people in this House. It will give us wealth, it will give the Government wealth, it will ameliorate the condition of the people, it will give some money to the tillers of the soil of Bengal. So, Madam, I request the Hon'ble Minister to accept this resolution and give effect to it immediately.

Mr. H. A. LUKE: Madam, when I saw this resolution, I thought it was to refer to the nationalisation of the jute industry, but the mover of the resolution said scarcely anything about the jute industry at all. He talked about the trade in raw jute in the mufassil, and I submit that as that matter has already been referred by the Government to the Jute Committee, the speech of the mover was entirely irrelevant But he did touch on the question of the nationalisation of the industry and other speakers have also mentioned that. This cry for nationalisation is spreading through the land like a malignant epidemic—I say 'malignant' purposely because if you will note the behaviour of the people who have been bitten by the bug of nationalisation, you will find that their behaviour is rather peculiar. They became rabid, rabid with envy and greed. They do not look around for a trade or industry that is languishing and needs support. They do not look around and say "Look here, here is an industry where private industry has failed and let us give State support." In Bengal, there is, for instance, the fishing industry. There is a crying need for a bigger fish supply and a scheme has already been drawn up, but nothing has been done about it—it has probably been eaten by the fish insects of the Writers' Buildings. But they look around and they look for an industry where private enterprise has succeeded, where people have pioneered, where people have risked their personal resources and used their business acumen and scientific knowledge and built up an industry which is successful and prospering and where the relationship between the employer and the employee is on the whole good.

They say, let us nationalise this jute industry. Now, what is the purpose of nationalisation, what is the aim? Is it to benefit the workers or is it to benefit the State revenues? I gather from some of the speeches this afternoon that the idea of nationalising the jute industry is that they are going to get revenue for the State. If the State is going to get the revenue, it is not going to help the workers. If then the workers are not going to benefit, I do not think that will please our left-wing friends— they are out to give the profit to the workers. If the profits go to workers how is that to benefit the State?

I do not think any case has been made out at all for the nationalisation of the jute-mill industry. Jute-mill industry is efficient, prosperous and

employs a very large number of workers and it is only because of the prosperity of the jute-mill industry that the trade in jute is prospering in Bengal.

I submit further that if this industry were nationalised, it would mean the employment of a vast army of officials and trade would be hampered by red tape, by rules and regulations and ultimately it would cease to be a profitable industry—it would become a liability to the State.

I submit, therefore, Madam, that no case has been made out to nationalise either the jute-mills or the jute industry.

Adjournment.

The House was then adjourned at 6-3 p.m. till 3-45 p.m. on Monday, the 5th May, 1947, at the Assembly House, Calcutta.

Proceedings of the Bengal Legislative Assembly assembled under the provisions of the Government of India Act, 1935.

THE ASSEMBLY met in the Assembly House, Calcutta, on Monday, the 5th May, 1947, at 3-45 p.m.

Present:

Mr. Speaker (the Hon'ble Mr. NURUL AMIN) in the Chair, 6 Hon'ble Ministers and 156 members.

STARRED QUESTIONS

(to which oral answers were given)

Haringhat Government cattle breeding scheme in Nadia district.

*255. **Mr. NAWAJESH AHMED:** Will the Hon'ble Minister in charge of the Land and Land Revenue Department be pleased to state—

(a) how many acres of cultivable lands were acquired in Nadia district for the Haringhat Government cattle breeding scheme and in which year;

(b) what amount of money was to be given on account of prices of these lands to the owners thereof and on what basis;

(c) whether the full amount on account of prices and compensation has been paid up till now; and

(d) if not, what are the reasons for the delay in payment?

Mr. ABDUL KARIM (on behalf of the Hon'ble Mr. Fazlur Rahman): (a) 1,408 acres of land were acquired in 1946.

(b) Rs.5,43,000 (in round figures).

The estimate has been prepared at an average rate of 20 times the net rental for the landlords' interest, and at an average of Rs.120 per acre for the tenants' interest *plus* 15 per cent. on account of statutory allowance on both.

(c) No payment has yet been made.

(d) The delay in payment is due to the fact that the Land Acquisition Officer who was appointed for the project fell ill and no substitute in his place could be had for some months. A new officer has now been appointed and steps are being taken to make payments as early as possible.

Mr. A. T. MAZHARUL HAQUE: Will the Hon'ble Minister be pleased to state why this delay was made in taking this new officer?

Mr. ABDUL KARIM: A suitable man could not be made available and therefore some months had to be taken.

Mr. A. T. MAZHARUL HAQUE: Will the Hon'ble Minister be pleased to state when, probably by which date, payment can be expected?

Mr. ABDUL KARIM: I cannot give any fixed date for the same.

Mr. CHARU CHANDRA BHANDARI: With reference to answer (b) will the Hon'ble Minister be pleased to state what is the market price of land of similar quality in that area? Government have given Rs. 120 per acre.

Mr. ABDUL KARIM: I cannot say exactly what the market price was, but I think in ascertaining the price of land market price was taken into consideration.

Mr. CHARU CHANDRA BHANDARI: Will the Hon'ble Minister be pleased to state whether that price is more or less than Rs. 120 per acre?

Mr. ABDUL KARIM: I want notice.

Mr. MUHAMMAD HABIBULLAH CHAUDHURY: Is the Hon'ble Minister aware that there is a very strong feeling that Government are always very enthusiastic at the time of acquisition of land and at the time of compensation they are always indifferent?

Mr. ABDUL KARIM: It is not so.

Mr. HARIPADA CHATTERJEE: Is the Hon'ble Minister aware that local price is more than Rs. 100 per bigha?

Mr. ABDUL KARIM: I want notice.

Mr. RAJENDRA NATH SARKAR: Will the Hon'ble Minister be pleased to state when the Land Acquisition Officer fell ill?

Mr. ABDUL KARIM: I ask for notice.

Mr. RAJENDRA NATH SARKAR: Will the Hon'ble Minister be pleased to state when the new officer was appointed?

Mr. ABDUL KARIM: I cannot say the exact date when he was appointed.

Mr. HARIPADA CHATTERJEE: Is the Hon'ble Minister aware that local people are experiencing great difficulties since their land has been occupied and no compensation given?

Mr. ABDUL KARIM: Yes; they had to undergo some difficulties, but now steps are being taken to remove those difficulties as early as possible.

Mr. SURESH CHANDRA DAS GUPTA: মাননীয় মন্ত্রী মহাশয় অনুগ্রহ করে বল্‌বেন কি যে জমি দখল করা হলেও যত দিন টাকা পড়ে থাকে তার জন্য কোন সুদ দেওয়া হয় কি না?

Mr. ABDUL KARIM: Government at present do not contemplate giving any interest.

Mr. SURESH CHANDRA DAS GUPTA: মাননীয় মন্ত্রী মহাশয় বল্‌বেন কি যদি সুদ দেওয়া না হয় তাহলে জমির মালিক জমি হতে যে আয় করতে পারছে না, তার জন্য তাকে কোন ক্ষতি-পূরণ দেওয়া হয় কি না?

Mr. ABDUL KARIM: No, Sir.

Mr. SURESH CHANDRA DAS GUPTA: মাননীয় মন্ত্রী মহাশয় বল্‌বেন কি যে টাকা মঞ্জুর হলেও টাকা বার হতে এক বৎসরের বেশী সময় লাগে কিনা এবং এটা তিনি জানেন কিনা?

Mr. ABDUL KARIM: It is not a fact.

Mr. MUHAMMAD HABIBULLAH CHAUDHURY: With reference to answer (*a*), *viz.*, 1,408 acres of land were acquired, will the Hon'ble Minister be pleased to state how many persons are affected?

Mr. ABDUL KARIM: I cannot say that off-hand.

Mr. PROVAS CHANDRA LAHIRI: মাননীয় মন্ত্রী মহাশয় অনুগ্রহ করে জানাবেন কি যে (a) প্রশ্নে যে আছে কোন্ বৎসরে জমি দখল করা হয়েছে এবং তার উত্তরে বলা হয়েছে ১৯৪৬ সালে কিন্তু গভর্ণমেণ্ট ১৯৪৬ সাল থেকে আজ পর্য্যন্ত কোন payment করেন নাই, এর জন্য তারা ক্ষতি পূরণ দিতে রাজি আছেন কিনা?

Mr. ABDUL KARIM: According to normal procedure it takes some months and I think in this case on account of illness of this officer delay exceeded by a few months more. Therefore Government do not contemplate making any exceptional case.

Mr. MUHAMMAD HABIBULLAH CHAUDHURY: Will the Hon'ble Minister be pleased to state how many persons died and how many persons suffered for non-payment of compensation?

Mr. ABDUL KARIM: I have no information.

Purchase of milk food and free distribution thereof.

*256. **Mr. M. ILIAS ALI MOLLA:** (*a*) Will the Hon'ble Minister in charge of the Co-operation, Credit and Relief Department be pleased to state—

(*i*) whether Government purchase powdered milk for free distribution to poor and needy people;

(*ii*) if so, what was the total quantity of milk purchased during 1945-46 and the cost involved; and

(*iii*) whether it is a fact that the entire milk is handed over to the Red Cross Society for its distribution?

(*b*) Is it a fact that the Red Cross Society add their contribution of milk-powder with that of Government and control the distribution of the entire quantity?

(*c*) Will the Hon'ble Minister be pleased to state what is the quantity that—

(*i*) Government contributed in 1945-46; and

(*ii*) the Red Cross contributed in 1945-46?

(*d*) Does the Hon'ble Minister contemplate to distribute this milk-powder through the agency of Government officers in the districts and with the help of the Union Relief Committee?

Mr. MASIHUDDIN AHMED (on behalf of the Hon'ble Mr. A. F. M. ABDUR RAHMAN): (*a*) (*i*) Government purchase milk food for free distribution among destitute undernourished children, expectant and nursing mothers and ailing persons.

(*ii*) 1,167 tons at a total cost of Rs.29,33,000 approximately.

(*iii*) Yes.

(*b*) The Red Cross Society add their contribution of milk-powder with that of Government. Despatches are made to district or subdivisions according to quotas agreed upon by Government and the Red Cross authorities.

(*c*)(*i*) 1,129 tons.

(*ii*) 105 tons.

(*d*) The matter is under consideration of Government.

Mr. RAJENDRA NATH SARKAR: With reference to answer (*a*)(*ii*), viz., 1,167 tons of milk was purchased by Government and with reference to answer (*c*)(*i*), viz., 1,129 tons contributed to the Red Cross Society for distribution, will the Hon'ble Minister be pleased to state what happened to the rest of the milk food?

Mr. MASIHUDDIN AHMED: I have nothing further to add.

Mr. BADIUZZAMAN MUHAMMAD ILIAS: Will the Hon'ble Minister be pleased to state whether the Government is aware that though huge sum is being spent by Government, it has no hand absolutely and practically in the distribution of milk?

Mr. MASIHUDDIN AHMED: No.

Mr. BADIUZZAMAN MUHAMMAD ILIAS: Will the Hon'ble Minister be pleased to state whether Government desires to control it by their own officers?

Mr. MASIHUDDIN AHMED: I will invite the honourable member's attention to my answer (*d*).

Mr. BADIUZZAMAN MUHAMMAD ILIAS: Will the Hon'ble Minister be pleased to state whether he admits that the present distribution of milk is made less efficiently than what Government officers are expected to do?

Mr. MASIHUDDIN AHMED: Government, as a matter of fact, are receiving complaints as regards distribution of milk by Red Cross Society and Government are examining those petitions and enquiring into the matter and they hope to come to a decision at an early date.

Mr. A. T. MAZHARUL HAQUE: Will the Hon'ble Minister be pleased to state if it is a fact that three applications in the Dacca District for milk food was refused by the Red Cross Society?

Mr. MASIHUDDIN AHMED: I have no such information.

Mr. SURESH CHANDRA DAS GUPTA: মাননীয় মন্ত্রী মহাশয় অনুগ্রহ করে বলবেন কি যে Red cross এর যে সমস্ত লোকের হাতে এই কাজের ভার দেওয়া হয়েছে তাদের নির্ব্বাচিত করবার জন্য প্রত্যেক জেলায় জেলায় non-official committee করবার কোন ইচ্ছা তাদের আছে কিনা?

Mr. MASIHUDDIN AHMED: The whole scheme is under consideration.

Mr. BIMAL COMAR CHOSE: Will the Hon'ble Minister be pleased to state if they are satisfied or not satisfied with the work of distribution so far done by the Red Cross Society?

Mr. MASIHUDDIN AHMED: I have already answered; I have nothing further to add.

Mr. BADIUZZAMAN MUHAMMAD ILIAS: Is the Hon'ble Minister aware that at present District Secretaries have been appointed by the Cross Society to look after the distribution of this milk and also the Cross Society has formed committees in every district?

Mr. MASIHUDDIN AHMED: I am not aware of the details.

Mr. BADIUZZAMAN MUHAMMAD ILIAS: Is the Hon'ble Minister aware that on account of the distribution through the Red Cross Society large quantities of milk have been found deteriorated though it was distributed amongst the people and many people were affected and attacked with several diseases?

Mr. MASIHUDDIN AHMED: Government is not aware.

Mr. MUHAMMAD HABIBULLA CHAUDHURY: Will the Hon'ble Minister be pleased to state if the system is satisfactory, why the matter under consideration of Government?

Mr. SPEAKER: No, that question does not arise, because it has already been replied.

Maulvi Akbar Ali: Will the Hon'ble Minister be pleased to state whether local Government officials have any control over the distribution of milk by the Red Cross Society?

Mr. MASIHUDDIN AHMED: Yes, certainly they have.

Mr. MUHAMMAD RAFIQUE: Will the Hon'ble Minister be pleased to state if 38 tons of milk is missing from the stock?

Mr. MASIHUDDIN AHMED: I have no such information.

Mr. MUHAMMAD RAFIQUE: Will the Hon'ble Minister be pleased to state, then how does he reconcile the figure 1,129 tons being the quantity contributed by Government with the figure 1,167 tons being the total quantity of milk purchased by Government?

Mr. MASIHUDDIN AHMED: A similar question was put and answered.

Mr. MUHAMMAD HABIBULLA CHAUDHURY: Will the Hon'ble Minister be pleased to state if Government has got any inspecting agency to see whether the system is working satisfactorily?

Mr. MASIHUDDIN AHMED: There is none.

Mr. SPEAKER: Questions over.

GOVERNMENT BILL.

The Bengal Non-Agricultural Tenancy Bill, 1946, as reported by the Select Committee.

The Hon'ble Mr. FAZLUR RAHMAN: No reason has been put forward which will justify re-committal of the Bill to the Select Committee. Sir, I oppose the motion for re-committal.

The motion of Mr. Ganendra Chandra Bhattacharyya that the Bill be re-committed to the same Select Committee with instruction to submit their report by the 31st May, 1947, was then put and lost.

The motion of Mr. Ganendra Chandra Bhattacharyya that the Bill be re-committed to the same Select Committee with instruction to submit their report by the 31st July, 1947, was then put and lost.

The motion of the Hon'ble Mr. Fazlur Rahman that the Bengal Non-Agricultural Tenancy Bill, 1946, as reported by the Select Committee be taken into consideration was then put and agreed to.

Clause 1

Mr. CHARU CHANDRA BHANDARI: Sir, I beg to move that in clause 1(2), item (c) be omitted.

Sir, there is no reason why the municipality of Howrah should be excluded from the operation of the Bill. The conditions under which the non-agricultural tenancies are held in Howrah are not different from those in the case of other municipalities. The provisions of the Bengal Non-Agricultural Tenancy (Temporary Provisions) Act, also applies to Howrah, and Howrah was included in the original Bill also. So there is no reason why Howrah should be excluded. However the Select Committee has excluded it on the ground that the Calcutta Improvement Trust Act is soon going to be introduced into Howrah. I think it is for this reason also that the provisions of this Bill should be applied to Howrah. Because supposing that this Bill when passed into law does not apply to Howrah, and some portion of Howrah is acquired under the Calcutta Improvement Trust Act, then the non-agricultural tenants and under-tenants there, who would

otherwise have acquired good rights under the provisions of this Bill and would have been entitled to compensation, would be deprived of that. Secondly, Sir, it is not known when any substantial portion of Howrah will be taken up under the provisions of the Calcutta Improvement Trust Act. It is thirty years that the Calcutta Improvement Trust Act is in operation in the areas of Calcutta, and everybody knows what little portion has as yet been taken up under the provisions of that Act and improved. So in view of that also Howrah should not be excluded from the operation of this Bill. Non-agricultural tenants and under-tenants of Howrah will be greatly prejudiced if Howrah is excluded from the operation of the provisions of this Bill. Hence I would request the Minister in charge of the Bill to accept my amendment and to include Howrah within the operation of this Bill. With these few words I commend this motion for the acceptance of the House.

Mr. AULAD HOSSAIN KHAN: Sir, I beg to move that in clause 1(2), in item (b), line 4, the expression "and" be omitted.

I also move that in clause 1(2), in item (a), line 2, the word "and" be added at the end.

Mr. SPEAKER: Mr. Aulad Hossain, of the two amendments standing in your name one has already been moved. What about the other?

Mr. AULAD HOSSAIN KHAN: I don't move it.

Mr. SURESH CHANDRA DAS GUPTA: Sir, I beg to move that in clause 1(3), line 3, after the word "appoint" the words "but such notifications must be issued within one year of the passing of this Act" be added.

Bengal Non-Agricultural Tenancy Actএর অনেক দিন ধরে অনেক জল্পনা কল্পনা চলছে কিন্তু আজ পর্যান্ত এটা কার্যে পরিণত হোল না। গভর্ণমেণ্ট এক একটি করে বিল করছে এবং তার provision Provincial গভর্ণমেণ্টের ইচ্ছার উপর effect দিচ্ছে। কিন্তু আপাততঃ আমরা দেখতে পাচ্ছি যে কিছুদিন পূর্বে তাঁরা পুরাতন একটা বিল পাশ করিয়ে নিয়েছেন এবং কতদিন পরে সেটা বাস্তবে প্রয়োগ করেছেন তা আমরা জানি না। সেই জন্য আমি বলছি যে তাঁরা বিল পাশ করার পরে effect দিতে এক বৎসরের বেশী দেরী করতে পারবেন না।

আইন পাশ হওয়ার এক বৎসরের মধ্যে যাতে non-agricultural tenantরা তার ফল ভোগ করতে পারে এবং তাদের অসুবিধাগুলি দূর হয় সেই জন্য আমি মন্ত্রীমহাশয়ের কাছে অনুরোধ করছি।

The Hon'ble Mr. FAZLUR RAHMAN: Sir, I accept the amendments moved by Mr. Aulad Hossain Khan. I also accept the amendment No. 8-10 as moved by Mr. Charu Chandra Bhandari. But I oppose the other amendment.

The motion of Mr. Aulad Hossain Khan that in clause 1, sub-clause (2), item (a), the expression "and" be added at the end, was then put and agreed to.

The motion of Mr. Aulad Hossain Khan that in clause 1, sub-clause (2), in item (b), line 4, the expression "and" be omitted, was then put and agreed to.

The motion of Mr. Charu Chandra Bhandari that in clause 1(2), item (c) be omitted, was then put and agreed to.

The motion of Mr. Suresh Chandra Das Gupta that in clause 1(3), line 3, after the word "appoint" the words "but such notification must be issued within one year of the passing of this Act" be added, was then put and lost

The question that clause 1, as amended, stand part of the Bill, was then put and agreed to.

Clause 2.

Mr. DHIRENDRA NATH DATTA: Sir, I beg to move that in clause 2(*1*), line 3, after the word "Act" the words "not below the rank of a Sub-Deputy Collector" be inserted.

Sir, it does not require any speech and so I leave it to the House.

Mr. CHARU CHANDRA BHANDARI: Sir, I beg to move that in clause 2(*2*), in item (*b*), line 2, for the words "is being" the words "has been" be substituted.

Sir, this amendment together with amendment No. 21 constitues one amendment, and therefore I want to speak on both the amendments together.

Mr. SPEAKER: Then move amendment No. 21 also.

Mr. CHARU CHANDRA BHANDARI: Sir, I beg to move that in clause 2(*2*), in item (*b*), line 5, after the word "landlord" the words "for less than twelve years" be inserted.

Sir, it is in connection with the definition of non-agricultural land. In that definition certain classes of land have been excluded from the definition of non-agricultural land. One of them is that the land which was originally leased for agricultural and horticultural purposes but is being used for purposes other than agriculture or horticulture has been excluded from the definition of non-agricultural land. I want that such lands which have been used as non-agricultural land for twelve years or more should be included within the definition of non-agricultural land because under the ordinary circumstances twelve years' adverse possession gives such right. So when the lands which have been used for twelve years or more by way of adverse possession with or without the consent of the landlord as non-agricultural land should be included in fairness within the definition of non-agricultural land.

Sir, I want to move my amendment No. 21 in a modified form, on reconsideration.

I beg to move that in clause 2(*2*), in paragraph (*b*), line 5, after the word "landlord" the words "if the period for which such land has been so used is less than twelve years" be inserted. The meaning is similar and such lands should be included within the definition of non-agricultural land because twelve years' possession will give right by adverse possession whether the land has been converted for other purposes or whether it has been so used with the express consent of the landlord or without it. Therefore, I commend my motion for the acceptance of the House.

Mr. DHIRENDRA NATH DATTA: Sir, amendments Nos. 22 and 23 should be read together, because in the latter amendment two more names are added to the list.

Therefore, Sir, I beg to move that in clause 2(*2*), in item (*c*), line 1, the word "or" be omitted.

I beg also to move that in clause 2(*2*), in item (*c*), line 2, after the word "Chittagong" the words "Chittagong Hill Tracts or Tippera" be inserted.

The object, Sir, certainly is very clear. It is intended by clause (*c*) that in the district of Darjeeling, Jalpaiguri or Chittagong large tracts of land which are used as tea garden for the cultivation and manufacture of tea should be excluded from the operation of the Bill. It is intended that such land should not come within the purview of this Bill and it will not be included within the non-agricultural land—evidently it will not. Besides the district of Darjeeling, in the Chittagong Hill Tracts and in Tippera also there is a large quantity of land which is used as tea garden. So, instead of mentioning these three districts—Darjeeling, Jalpaiguri and Chittagong—the other two districts, Chittagong Hill Tracts and Tippera

also ought to be inserted. The object seems to me clear and their exclusion is really due to some misapprehension on the part of the Government that really in the Chittagong Hill Tracts and in Tippera there is no land which is used as tea garden. In Tippera there are lands which are used as tea gardens and in Chittagong Hill Tracts also there are large areas of land which are used as tea garden.

That is what I intend to say and I hope Government would accept it.

The Hon'ble Mr. FAZLUR RAHMAN: If you accept our draft.

Mr. DHIRENDRA NATH DATTA: With regard to the draft, I leave it to the Government. That is my intention and that intention can be expressed by the drafting committee—that in clause 2(2), in item (c), line 2, after the word "Chittagong" the words "Chittagong Hill Tracts or Tippera" be inserted. I see the Government draft. You have included Tippera but you have not included Chittagong Hill Tracts.

The Hon'ble Mr. FAZLUR RAHMAN: That is an Excluded Area. That can only be done by notification after the Bill is passed into an Act.

Mr. DHIRENDRA NATH DATTA: I accept the Government draft.

I beg to move that in paragraph (c) of clause 2(2), in item (c), lines 1 and 2, for the words "or Chittagong", the words "Chittagong or Tippera" be substituted.

Mr. SURESH CHANDRA DAS GUPTA: Sir, I beg to move that in clause 2(3), after the words "special contract" wherever they occur, the words "or usage" be inserted.

I want to insert the words "or usage" after the words "special contract".

"Non-agricultural tenant" means a person who holds non-agricultural land under another person and is, or but for a special contract or usage would be, liable to pay rent to such person for that land but does not include any person who holds any such land on which any premises occupied by such person are situated if such premises have been erected, or are owned, by the person to whom such occupier is, or but for a special contract or usage would be, liable to pay rent for such occupation.

I mean to insert the words "or usage" after the words "special contract".

Special contract না থাকলেও usage থাকবে এবং প্রজা বলে গণ্য হবে। আমি এই জন্য এই amendment move করছি, আশা করি মাননীয় মন্ত্রীমহাশয় এটা অনুধাবন করবেন এবং যে দুই জায়গায় Special contract আছে তার পরে usage কথাটা ঢুকিয়ে দেবেন।

Mr. GANENDRA CHANDRA BHATTACHARYYA: Sir, I beg to move that in clause 2(3), line 4, after the words "that land" the expression "and it includes the successor-in-interest and transferees on and from the 30th May, 1940" be inserted.

স্যার, প্রথমে ১৯৪০ সালে non-agricultural tenantদের সম্বন্ধে আইন হয়েছিল তার পূর্বে non-agricultural tenantদের কোন right স্বীকার করে নেওয়া হয় নাই। ১৯৪০ সালে Non-agricultural Tenancy Act পাশ হওয়ার পরে তাদের ধারণা জন্মে যে তাদেরও জমির উপর স্থায়ী স্বত্ব আছে এবং এই ধারণার বশে তারা এখন পর্যন্ত চলে আসছে। ১৯৪০ সালের পর হতে আজ পর্যন্ত বহু non-agricultural land হস্তান্তরিত হয়েছে। সহর অঞ্চলেও বহু মুসলমানের জমি হিন্দু কিনেছে, বহু হিন্দুর জমিও মুসলমান কিনেছে। Non-agriculturistকে জমি হস্তান্তর করা হয়েছে এই কথা যদি clauseএ add করে না দেওয়া হয় তাহলে যারা এই প্রকারে

বহু টাকা খরচ করেছে তাদের সর্বনাশ হয়ে যাবে। প্রথম আইনে এই যে non-agricultural tenantদের স্থায়ী স্বত্ব ও হস্তান্তর করার স্বত্ব স্বীকার করা হয়েছে সেটা যদি এই আইনে স্বীকার করা না হয় তাহলে এই সময়ের মধ্যে যারা জমি হস্তান্তর করেছে তারা ক্ষতিগ্রস্ত হবে।

কাজেই আমি মনে করি এই provisionটা মন্ত্রীমহাশয় গ্রহণ করবেন এবং এটা বিবেচনা করেই এর retrospective effect দেওয়ার ব্যবস্থা করবেন যেমন Agricultural Debtors Actএ হয়েছিল। এরূপ ব্যবস্থা না করলে যারা জমি হস্তান্তর করেছে তাদের অত্যন্ত ক্ষতি হবে।

Mr. DHIRENDRA NATH DATTA: Sir, I want to support it. I think Government has made a mistake. As you are fully aware, a tenant certainly must include his successor-in-interest.

The Hon'ble Mr. FAZLUR RAHMAN: Please refer to section 3(2).

Mr. DHIRENDRA NATH DATTA: Sub-section (2), in defining the tenant says that it includes also the successors in interest of persons who have acquired such a right. But, Sir, it excludes a certain class of persons. A person—a non-agricultural tenant—is in occupation of a land for 10 years. As you know, Sir, under the present Act—under the Transfer of Property Act—it is transferable. He is in occupation of the land for 10 years. After having possessed the land for 10 years, he transfers his land and the transferee is in possession for another three years. Whether the transferee will acquire any interest in the land is the point which has to be considered. A person who is in possession for more than 12 years acquires a right under this Act. His right is not ejectable right—heritable right he had already, but under the Transfer of Property Act that right was transferable already. A person is in possession for 10 years and after having possessed the land for 10 years, he transfers the land to a person who is again in possession of that land for three years.

The question is whether such transferees will acquire a right thereby. I am afraid, Sir, that sub-section (2) of section 3 will not include a case like this.

The Hon'ble Mr. FAZLUR RAHMAN: It will include. Please read from the beginning.

Mr. DHIRENDRA NATH DATTA: Yes, that is so. In that view, Sir, it is not necessary.

Mr. CHARU CHANDRA BHANDARI: Sir, the point is this, whether "Non-agricultural tenant" will include, as defined in clause 2(3), transferee with effect from 30th May, 1940; because if the Bill is retrospective in its effect then such transferees and successors-in-interest will be included only from the date when the Act comes into force and not from before that. There is no provision in the Bill that the Bill will have retrospective effect. It will have effect only from the date on which the Bill is passed or the Act comes into operation. In that case, Sir, it will not include transferees from before the Act comes into operation, and for that reason, Sir, this amendment has been moved to include transferees from 30th May, 1940, on which date the Non-Agricultural (Temporary Provisions) Bill came into operation. It created hope in the minds of the people that full rights would be conferred on them with retrospective effect, and in that hope in the interim period many transfers have been made, and these transfers should be recognised by this Act. This is the purpose of this amendment. If you, Sir, interpret it in this way, namely, that it will include also transferees from May, 1940, from which date the Non-Agricultural (Temporary Provisions) Bill came into operation I have no objection, but I say, Sir, that tenants are transferees, and for that purpose this amendment has been moved, and I would request the Hon'ble Minister through you, Sir, to accept this amendment to clarify the meaning of "non-agricultural tenant" so as to include transferees with effect from the date 30th May, 1940, and to avoid

litigation and prevent those transferees who have purchased lands in the meantime in the *bona fide* belief that full transferable rights have been conferred on them with retrospective effect. Otherwise great confusion and hardship will be caused to *bona fide* transferees.

Mr. BIMAL CHANDRA SINHA: Mr. Speaker, Sir, I beg to move that in clause 2(3), line 10, for the words "for such occupation" the words "for such occupation of the said premises" be substituted.

I think, Sir, this is a most formal amendment. Our object is to exclude *bharatia* tenants, not those tenants who are not really agricultural tenants but who occupy premises erected by others. I think the definition given here is not sufficiently clear, and that is why I want to add those words, so that there may not be any confusion in occupation. In the definition here it is written: " 'Non-agricultural tenant' means a person who holds non-agricultural land under another person and is, or but for a special contract would be, liable to pay rent to such person for that land but does not include any person who holds any such land on which any premises occupied by such person are situated." My point is that it refers both to land and building and therefore I want to add those words, so that it will be made absolutely clear. We want to exclude *bharatia* tenants and not those tenants who have got possession of that land.

The Hon'ble Mr. FAZLUR RAHMAN: Sir, so far as amendment No. 13 is concerned I oppose it because this is the very provision that has been made in the Land Acquisition Act and also in the Bengal Tenancy Act, because that is the Act which applies here. They are similar, and no difficulty has been exprienced by the word "Collector", and for administrative reasons I feel Government's discretion should not be restricted. Therefore I oppose amendment No. 13.

With regard to amendment No. 18, I think our draft is better than what has been suggested by my honourable friend Mr. Charu Chandra Bhandari.

With regard to amendment Nos. 21, 22 and 23, I accept the amendments as modified.

With regard to amendment No. 27, it will create confusion and therefore I oppose it.

With regard to amendment No. 33, as I have already pointed out, to my friend Mr. Datta, it is covered by sub-section (2) of section 3 where "tenant" has been defined, but my honourable friend Mr. Bhattacharyya does not seem to have been convinced, because he thought that transferees from 30th May, 1940, would not be included. But that is not correct, because under the Transfer of Property Act these interests are transferable ones and therefore this will include successors-in-interest of transferees whether with effect from 1940 or with effect from a day earlier than that. But if I accept this amendment, the effect of it will be that transfers that have been effected before May, 1940, will be excluded. Therefore I oppose it.

With regard to amendment No. 37 moved by Mr. Sinha, that is not necessary. I am advised that after the drafting done by the Select Committee the meaning is clear and Mr. Sinha's amendment is not necessary and therefore I oppose it.

Mr. DHIRENDRA NATH DATTA: May I, Sir, with your permission, intervene? I want to know whether by the recent amendment of Mr. Aulad Hossain Khan, *i.e.*, "from 30th May, 1940" this will be inserted.

Mr. AULAD HOSSAIN KHAN: I have not moved it.

Mr. DHIRENDRA NATH DATTA: Then, Sir, there will be no difficulty.

The motion of Mr. Dhirendra Nath Datta that in clause 2(*1*), line 3, after the word "Act" the words "not below the rank of a Sub-Deputy Collector" be inserted, was then put and lost.

The motion of Mr. Charu Chandra Bhandari that in clause 2(*2*), in item (*b*), line 2, for the words "is being" the words "has been" be substituted, was then put and lost.

The motion of Mr. Charu Chandra Bhandari as subsequently modified that in clause 2(*2*), in paragraph (*b*), line 5, after the word "landlord" the words "if the period for which such land has been so used is less than 12 years" be inserted, was then put and agreed to.

The motions of Mr. Dhirendra Nath Datta as subsequently modified *viz.*, that in clause 2(*2*), in item (*c*), lines 1 and 2, for the words "or Chittagong", the words "Chittagong or Tippera" be substituted, were then put and agreed to.

The motion of Mr. Suresh Chandra Das Gupta that in clause 2(*3*), after the words "special contract" wherever they occur, the words "or usage" be inserted, was then put and lost.

The motion of Mr. Ganendra Chandra Bhattacharyya that in clause 2(*3*), line 4, after the words "that land" the expression "and it includes the successor-in-interest and transferees on and from the 30th May, 1940" be inserted, was then put and lost.

The motion of Mr. Bimal Chandra Sinha that in clause 2(*3*), line 10, for the words "for such occupation" the words "for such occupation of the said premises" be substituted, was then put and lost.

The question that clause 2 as amended stand part of the Bill, was then put and agreed to.

Clause 3.

Mr. BIMAL CHANDRA SINHA: Sir, before you put clause 3 before the House, may I know whether you called out amendments Nos. 52 and 53 that stand in my name?

Mr. SPEAKER: That is a new clause. I shall put it afterwards. Your amendments relate to clause 3A.

Mr. BIMAL CHANDRA SINHA: All right, Sir.

The question that clause 3 stand part of the Bill was then put and agreed to.

Clause 3A.

The question that clause 3A stand part of the Bill was then put and agreed to.

Clause 4.

The question that clause 4 stand part of the Bill was then put and agreed to.

Clause 5.

Mr. DHIRENDRA NATH DATTA: Sir, I beg to move that in clause 5(*2*), for item (*a*) the following be substituted, namely:—

"(*a*) to erect any structure including any *pucca* structure."

Sir, sections 6 and 7 deal with tenants who are in possession for more than 12 years. They will be entitled to erect any structure including *pucca* structure, but here in the Bill it is stated "to erect any *pucca* structure". I think, Sir, my amendment will make it better.

Mr. TAFAZZAL ALI: I think the Hon'ble Minister will accept this amendment.

Mr. BIMAL CHANDRA SINHA: I beg to support the amendment moved by my honourable leader. I think there was a mistake.

Mr. CANENDRA CHANDRA BHATTACHARYYA: Sir, I beg to move that the following proviso be added to clause 5(2)(b), namely:—

"Provided that no such mosque, temple or place of worship shall be erected without the permission of the landlord in writing or a specific contract to that effect in the lease, if there be any."

Mr. Speaker, Sir, এটার মানে সমস্ত rightস্বীকার করে নেওয়া হ'ল; তবে আমার মনে হয় এই সমস্ত ধর্ম্মমন্দির করার ব্যাপারে জমির মালিকের সম্মতি নিয়ে করলে ভাল হয়, না করলে অনেক সময় অনেক অসুবিধার সৃষ্টি হ'তে পারে। এ সম্বন্ধে দীর্ঘ বক্তৃতা দেওয়ার দরকার করে না। আমি আশা করি গভর্ণমেণ্ট এটা মেনে নিবেন।

Mr. DHIRENDRA NATH DATTA: Sir, I beg to move that in clause 5(2), in item (d), line 1, for the words "and fruits" the words "fruits and other products" be substituted.

Sir, a tenant holding non-agricultural land comprised in any tenancy to which section 6 or 7 applies shall be entitled to plant, enjoy the flowers, fruits and other products of, and fell and utilise or dispose of the timber of, any tree on such land. I have probably quoted the words "other products" from the Bengal Tenancy Act. Sections 6 and 7 deal with those tenants who have got a *pucca* right and are non-evictable, *i.e.*, those who have been in possession for more than 12 years. Section 8 deals with tenants who have been in possession for less than 12 years. So the tenants who have been in possession of land for more than 12 years should not only enjoy the fruits but "other products".

Mr. SURESH CHANDRA DAS GUPTA: মাননীয় প্রমুখ, আমি এটা support করছি। যদি এটা না করা হয় তা'হ'লে সবচেয়ে বেশী বিপদ হ'বে খেজুর গাছের রস খাওয়া নিয়ে।

(Laughter.)

Mr. MD. ISRAIL: তাল গাছের রস নিয়েও হ'তে পারে।

Mr. SURESH CHANDRA DAS GUPTA: পশ্চিম বঙ্গে সজিনার পাতা পর্য্যন্ত খায়।

Mr. DHIRENDRA NATH DATTA: I have moved my amendment in the above form to make my intention clear and I hope Government will have no objection to accept it.

Sir, I beg to move that in clause 5(3), the following be substituted, namely:—

"(3) A tenant holding non-agricultural land comprised in any tenancy to which the provisions of section 8 apply shall be entitled—

(a) to erect any structure other than a pucca structure;

(b) to plant and enjoy the flowers, fruits and other products of any tree on such land; and

(c) to fell and utilise or dispose of the timber of any tree planted by him on such land".

This is a very important measure and I hope Government will accept it. It appears that under section 8 a tenant who has been in possession for less than 12 years has been given the right only to plant and enjoy the flowers and fruits, etc., as if he is not entitled to erect any structure. Under the Transfer of Property Act a tenant who is in possession for less than 12 years has got the right to erect a structure but he is not entitled to erect a pucca structure. But here under the present law as it stands it appears

that a tenant who is in possession for less than 12 years is not entitled to erect a structure. Why, Sir has he taken possession of the land? He has taken it for special purposes. So I think he must be entitled to erect structure. Of course he has not got a permanent right and he is not entitled therefore to erect a *pucca* structure, but he is entitled to erect a structure, to plant and enjoy the flowers, etc., and fell and utilise or dispose of the timber of any tree planted by him. I think I have made the position clear in the form which I have moved the amendment.

The Hon'ble Mr. FAZLUR RAHMAN: Sir, I accept amendment Nos. 69, 72 and 73 and oppose 71. In amendment No. 71 Mr. Bhandari wanted to add a proviso to clause 5(2)(*b*), namely:—

"Provided that no such mosque, temple or place of worship shall be erected without the permission of the landlord in writing or a specific contract to that effect in the lease, if there be any".

I think it is not necessary.

The motion of Mr. Dhirendra Nath Datta that in clause 5(2) for item (*a*) the following be substituted, namely:—

"(*a*) to erect any structure including any pucca structure".

was then put and agreed to.

The motion of Mr. Ganendra Chandra Bhattacharyya that the following proviso be added to clause 5(2)(*b*), namely:—

"Provided that no such mosque, temple or place of worship shall be erected without the permission of the landlord in writing or a specific contract to that effect in the lease, if there be any",

was then put and lost.

The modified motion of Mr. Dhirendra Nath Datta that in clause 5(2), in item (*d*), line 1 for the words "and fruits" the words "fruits and other products" be substituted was then put and agreed to.

The modified motion of Mr. Dhirendra Nath Datta that for clause 5(3), the following be substituted, namely:—

(3) A tenant holding non-agricultural land comprised in any tenancy to which the provisions of section 8 apply shall be entitled—

(*a*) to erect any structure other than a pucca structure;

(*b*) to plant and enjoy the flowers, fruits and other products of any tree on such land; and

(*c*) to fell and utilise or dispose of the timber of any tree planted by him on such land,

was then put and agreed to.

The question that clause 5 as amended stand part of the Bill, was then put and agreed to.

Clause 6.

Mr. BIMAL CHANDRA SINHA: Sir, I beg to move that in clause 6(*a*), line 6, after the expression "section 3A", the expression "or he has used such land for any purpose other than the purposes specified in section 3A", be inserted.

Sir, it has been laid down that notwithstanding anything contained in any other law for the time being in force or in any contract, the tenant holding the non-agricultural land comprised in such tenancy shall not be ejected by his landlord from such land except on the ground that he has used such land in a manner which renders it unfit for use for any of the purposes specified in section 3A or that he has broken a condition consistent with the provisions of this Act and on breach of which he is under the terms of a contract between himself and his landlord liable to be ejected.

Mr. SPEAKER: Mr. Sinha, have you formally moved your amendment?

Mr. BIMAL CHANDRA SINHA: Yes, Sir. I have moved the amendment, and now I am explaining the object of the amendment. It is this: if you analyse clause 6, you will find that tenants who are holding non-agricultural lands on a permanent basis can be ejected on two conditions, namely, that he has used the land comprised in the tenancy which renders it unfit for use for any of the purposes specified in section 3A—that is the first part—or that he has broken a condition consistent with the provisions of this Act and on breach of which he is under the terms of a contract between himself and his landlord liable to be ejected. Sir, I am not clear in my mind whether this second provision includes the object of my amendment. The object of my amendment is that if a tenant breaks any of the conditions laid down in section 3A, namely, the purposes for which the non-agricultural tenant may use his land, well, that, I think, is a sufficient ground for ejectment, because that goes against the fundamental principle of the Act. I do not know whether that object is clear from these words, namely, "he has broken a condition consistent with the provisions of this Act and on breach of which he is under the terms of a contract between himself and his landlord liable to be ejected." I apprehend, Sir, that this may include terms relating to the rate of rent and all that, subject to the provisions of this Act, and I do not know whether it includes also the object of my amendment. That is why I want to make it specific and clear that if a tenant uses his land for any purpose other than the purposes specified in section 3A, namely, homestead or residential purposes, manufacturing or business purposes, religious or other purposes,—whether in that case he will violate the principle of the Act and will be liable to ejectment.

The Hon'ble Mr. FAZLUR RAHMAN: Under those circumstances you want ejectment, Mr. Sinha?

Mr. BIMAL CHANDRA SINHA: Yes.

Mr. DHIRENDRA NATH DATTA: Sir, I beg to move that in clause 6(*i*), lines 6 to 10, for the words beginning with "or that he has broken a condition" and ending with "to be ejected" be omitted.

Mr. BIMAL CHANDRA SINHA: Sir, I have already moved my amendment which is opposite to what my Deputy Leader is now doing.

Mr. DHIRENDRA NATH DATTA: Sir, my idea in moving this amendment is that a tenant who has acquired his *pucca* right of occupancy can be ejected only if he uses the land in a manner which has rendered the land unfit for use for any of the purposes specified in section 3A and for no other purposes, because, Sir, he has got full proprietary right. I object to the provision that if the tenant has broken a condition consistent with the provisions of this Act, he is on the breach of such condition under the terms of a contract between himself and his landlord liable to be ejected. There is a similar section 23 in the Bengal Tenancy Act which lays down that an occupancy raiyat who has got a permanent right on his land is liable to be evicted only if he uses such land in a way which renders it unfit for use for any of the specified purposes. Sir, my idea is that that provision ought to be omitted from section 23 of the Bengal Tenancy Act. My friend, Mr. Sinha, knows that on account of this expression a very large number of litigations have cropped up—at least in my district where section 155 of the Bengal Tenancy Act is availed of by the zamindar if a tenant erects a homestead or excavates a tank on his land. Sir, my submission is that if he is given the permanent right he must be free to use his land in any manner he likes. The zamindar can use his land in any manner he likes. He can construct a building thereon, he can excavate a tank, he can lay out a bazar on the land and he can use it in any other way he likes. So

can the taluqdar and the permanent tenure-holder use it in any way they like? So I submit that if a tenant has acquired full tenancy right, his right should not be curtailed. As soon as he gets that right, such conditions ought not to be imposed as has been sought to be done in sub-clause (*i*) of clause 6 of this Bill. I hope I have made my position clear and that Government will be prepared to accept my amendment. This is an amendment which gives the permanent right to *pucca* tenants to use their lands in any manner they like just as a zamindar or a taluqdar or any other proprietor can do.

Mr. BIMAL CHANDRA SINHA: Mr. Speaker, Sir, may I clarify the object of my amendment in view of what has fallen from my Deputy Leader? My Deputy Leader has taken the position that there should be no limitation on the ownership of the tenants. Well, if that position is taken up, that is a different position altogether. But I say that if you are going to impose certain limitations, namely, those already imposed, then it is incumbent on us to see that the purposes of this Act are not frustrated. If section 3A is a part of the Act—and this it actually is by a decision of the Assembly, then we cannot go beyond the provisions of section 3A. If the limitations exist, then it should be made perfectly clear that the tenant who goes beyond the four corners of section 3A really goes beyond the scope of the Act and cannot at the same time have the protection of the Act. That is the position.

Mr. SURESH CHANDRA DAS GUPTA: Sir, I beg to move that in clause 6(*i*), lines 9 and 10, the words "under the terms of a contract between himself and his landlord" be omitted.

আইনেতে যে বিধান করা হয়েছে তার মধ্যে অনেকগুলি বিধান আছে যে বিধানের সর্ত্ত ভঙ্গ করলে প্রজাদের সেখান থেকে উচ্ছেদ হ'তে হ'বে। একটা লোক বাড়ী করে আছে, তাকে যদি উচ্ছেদ করে দেওয়া হয় সেটা তার পক্ষে কষ্টকর ব্যাপার। কিন্তু আইন কর্ত্তারা বিধান করেছেন কোন কোন স্থানে উৎখাত হ'তে হ'বে, সেটা স্বীকার করে নিতে রাজী হই, কেন না আইনটা পরে জানতে পারি আমার এতটুকু স্বত্ব, আমার এতটুকু অধিকার, এতটুকু কর্ত্তব্য এবং এতটুকু দায়িত্ব বুঝে জমিদারের কাছ থেকে জমি lease নিয়ে বা কিনে নিয়ে সেখানে কিভাবে থাকবো তা ঠিক করতে পারি। তার উপর যদি আর একটা ব্যবস্থা হয় under the terms of a contract between himself and landlord তা'হ'লে বোঝা যাচ্ছে আইনের মধ্যে সেই সমস্ত বিধান নেই যা ভঙ্গ করলে উৎখাত হ'তে হ'বে। তা'ছাড়া যদি জমিদার কোন কায়দা করে নূতন নূতন বিধান লিখে নেয় যে এই এই করলে উৎখাত হ'তে হ'বে তা'হলে তাদের বিপদ হয় সব চেয়ে বেশী। আমি বলেছি আইনের বেলায় এটা প্রকাশ্যভাবে লিখিত আছে আমরা জানতে পারি আমাদের কি অধিকার কিন্তু জমিদারের খেয়ালের কথা জানতে পারি না। আমরা সমস্ত ব্যবস্থা ঠিক করে গেলাম, যখন দলিল লিখতে গেলাম তখন তিনি বল্লেন এতটুকু না হ'লে স্বত্ব দিতে পারি না, তখন আমাদের পক্ষে অত্যন্ত বিপদের অবস্থা হয়ে উঠে। এই জন্য আমার প্রস্তাব হ'চ্ছে এই under the terms of a contract between himself and his landlord, etc., এই উৎখাৎ আইনের মধ্যে যেটুকু আছে তদতিরিক্ত ব্যক্তি বিশেষের খেয়ালের উপর কোন বিধান করবার ভার না দেওয়া উচিৎ। কারণ তাহ'লে প্রজার পক্ষে নানা প্রকার দুঃখ ও অসুবিধা চিরদিন থেকে যাবে। তাই মন্ত্রীমহাশয়কে অনুরোধ করছি ঐ কয়েকটি কথা আইনের ধারা থেকে উঠিয়ে নিন যে কারও খেয়ালের উপর নির্ভর না করে সে যেন ভালভাবে জানতে পারে তার কি দায়িত্ব আছে, তার কি স্বত্ব আছে এবং তার কি অধিকার আছে।

Sir, I beg also to move that in the proviso to clause 6(*ii*), line 5, the words "the interest shall merge in the interest of the immediate superior landlord" be added.

মাননীয় স্পীকার মহোদয়, যে ধারাটা সম্বন্ধে আমি একথা বলছি সেখানে এই কথাটা আছে Provided that in any case in which under the law of inheritance to which such tenant is subject, his other property goes to the Crown, his interest in such land shall

be extinguished. এখানে লেখা আছে such interest shall be extinguished, এই such interest যখন extinguish হয়ে গেল তখন সে কোথায় থাকবে? সেটাত হাওয়ার উপর থাকতে পারে না। সে interest যখন extinguish হ'বে তখন সেটা landlordএর খাস হ'বে, Crown সেটা পাবে না। আমি আশা করি মন্ত্রীমহাশয় জিনিষটা বুঝতে পেরেছেন এবং আমার প্রস্তাবটা গ্রহণ করবেন।

The Hon'ble Mr. FAZLUR RAHMAN: Sir, I oppose amendment No. 80 and accept amendment No. 81. I oppose amendment No. 82 which is covered by amendment No. 81 which I have accepted and therefore No. 82 is unnecessary. With regard to amendment No. 83 I oppose it as it is unnecessary.

Mr. BIMAL CHANDRA SINHA: Sir, I submit that there is a question of law involved in this matter and I think it is a point of order. The Hon'ble Minister says that he has accepted amendment No. 81. Isn't that so?

Mr. SPEAKER: Yes.

Mr. BIMAL CHANDRA SINHA: I think it is not possible for him to accept amendment No. 81 on this ground that the Assembly has already given a decision on clauses 3 and 3A. They have been already accepted by the Assembly and if that be so, certain conditions have been imposed in those two clauses on the ownership of the land by the tenant or the under-tenant. If that be so, I do not think it is possible for Government to accept an amendment which seeks to do away with the limitations that have been imposed by those two clauses.

Mr. SPEAKER: What is your point, Mr. Sinha?

Mr. BIMAL CHANDRA SINHA: Sir, my point is this: what is the object of this amendment? The point is that if a tenant has broken a condition consistent with the provisions of this Act and if in breach of it he is under the terms of a contract liable to be ejected, how can the amendment No. 81 come in, the object of which is to do away with those very words. My submission is that if you incorporate sections 3 and 3A as integral parts of the Bill, then I think it does not permit the omission of these words as proposed by my Deputy Leader because these are essentially connected with sections 3 and 3A.

Mr. SPEAKER: Will you further explain it, Mr. Sinha?

Mr. BIMAL CHANDRA SINHA: Sir, I shall explain the objects of sections 3 and 3A. Section 3 defines what is a tenant and what is an under-tenant, and section 3A provides that a non-agricultural tenant may hold non-agricultural land for three specific purposes, namely,—

(*a*) homestead or residential purposes;

(*b*) manufacturing or business purposes; or

(*c*) religious or other purposes.

When you accept this clause, you at once set certain limitations on the tenancy and if the tenant goes beyond the three specified purposes, then he breaks one of the three conditions that have been imposed on him as a tenant or under-tenant. It is essentially a limitation to the ownership of the land and the object of my amendment is that if it goes beyond sections 3 and 3A, he should be liable to be ejected. Now if you delete these portions the limitations that have been implied in section 3A are set at naught These limitations have been accepted by the Assembly and now if you delete these portions, you are setting at naught the provisions that have been made already regarding limitations.

Mr. SPEAKER: Mr. Sinha, I do not see that this amendment is contrary to the provisions contained in sections 3 and 3A.

The motion of Mr. Bimal Chandra Sinha that in clause 6(*i*), line 6, after the expression "section 3A", the expression "or he has used such land for any purpose other than the purposes specified in section 3A" be inserted, was then put and lost.

The motion of Mr. Dhirendra Nath Datta that in clause 6(*i*), lines 6 to 10, for the words beginning with "or that he has broken a condition" and ending with "to be ejected" be omitted, was then put and agreed to.

The motion of Mr. Suresh Chandra Das Gupta that in clause 6(*i*), lines 9 and 10, the words "under the terms of a contract between himself and his landlord" be omitted, was then put and lost.

The motion of Mr. Suresh Chandra Das Gupta that in the proviso to clause 6(*ii*), line 5, the words "the interest shall merge in the interest of the immediate superior landlord" be added, was then put and lost.

The question that clause 6, as amended, stand part of the Bill was then put and agreed to.

Mr. DHIRENDRA NATH DATTA: May I at this stage make one suggestion, Sir? I have been told that my party has not given their thought beyond clause 6. It is better therefore that you adjourn the House now so that we shall be in a position to study the subsequent clauses and decide which of the amendments it is necessary to move and which not.

Mr. SPEAKER: Is there any objection?

(No objection was raised.)

As there is no objection I adjourn the House till 3-45 p.m. tomorrow.

Adjournment.

The House was then adjourned at 5-13 p.m. till 3-45 p.m. on Tuesday, the 6th May, 1947, at the Assembly House, Calcutta.

Proceedings of the Bengal Legislative Assembly assembled under the provisions of the Government of India Act, 1935.

THE ASSEMBLY met in the Assembly House, Calcutta, on Tuesday, the 6th May, 1947, at 3-45 p.m.

Present:

Mr. Speaker (the Hon'ble Mr. NURUL AMIN) in the Chair, 6 Hon'ble Ministers and 165 members.

STARRED QUESTIONS

(to which oral answers were given)

Some information regarding operation of Primary Education Act in the Province.

***257. Mr. ISWAR CHANDRA MAL:** (*a*) Will the Hon'ble Minister in charge of the Education Department be pleased to state since the enforcement of the Primary Education Act in the districts of the Province—

(*i*) the total amount of assessment for Primary Education per district per year;

(*ii*) the total amount of assessment for Primary Education realised per district per year; and

(*iii*) the total amount of contribution of the Government towards this directly charged on the revenue of the Province per year?

(*b*) Will the Hon'ble Minister be pleased to lay on the Table a statement showing at present—

(*i*) the total number of schools maintained under the School Boards as per district;

(*ii*) the different scales of pay of the teachers; and

(*iii*) the total amount spent per year on an average for the schools managed by the School Boards?

MINISTER in charge of the EDUCATION DEPARTMENT (the Hon'ble Mr. Saiyed Muazzamuddin Hosain): (*a*) and (*b*) Statements are laid on the Library Table with the observation that information regarding the newly started District School Boards in the districts of Hooghly, Burdwan and Bankura is not available at present.

Mr. ISWAR CHANDRA MAL: It is difficult to put supplementary questions in view of the big statements placed on the library table. Sir, will you please hold over the question till tomorrow for enabling the members to go through the reports?

Mr. SPEAKER: You mean to say that members could not have a chance of going through the documents placed on the library table.

Mr. BIMAL COMAR GHOSE: I might say, there are about 7 or 8 sheets of statements and you could not go through them in 5, 10 or 15 minutes' time.

Mr. SPEAKER: All right, this will be taken up tomorrow.

Proposal for a Sanskrit College at Sitakund, Chittagong.

***258. Mr. FAZLUL QUADIR:** (*a*) Will the Hon'ble Minister in charge of the Education Department be pleased to state whether he has received any application from the people of Sitakund, district Chittagong, for establishment of a Sanskrit Government College at Sitakund, submitted on the 19th January, 1947?

(*b*) If the answer to (*a*) is in the affirmative, will the Hon'ble Minister be pleased to state what action has been taken on it?

The Hon'ble Mr. SAIYED MUAZZAMUDDIN HOSAIN: (*a*) No.

Since then, I faintly recollect that probably some such letter had come to me in my name and it was made over to office. I would ask the honourable member who has put the question to ask the gentleman who had filed that application to put in a fresh petition. Probably it has been mislaid somewhere and so the office could not find it and they have put the answer as "No".

(*b*) Does not arise.

Mr. MUHAMMAD HABIBULLAH CHAUDHURY: In view of Chittagong being a holy place for the Hindus, will the Hon'ble Minister consider the desirability of starting a Sanskrit College there in the near future?

The Hon'ble Mr. SAIYED MUAZZAMUDDIN HOSAIN: Government will consider after it has got a regular petition with a scheme from people of that locality.

Mr. A. T. MAZHARUL HAQUE: Will the Hon'ble Minister be pleased to raise the Chittagong High Madrassah to an Intermediate College?

The Hon'ble Mr. SAIYED MUAZZAMUDDIN MOSAIN: But there is an Intermediate College in Chittagong already.

Mr. BIMAL CHANDRA SINHA: Will the Hon'ble Minister be pleased to state if the Government Chittagong College at present has a Sanskrit Department?

The Hon'ble Mr. SAIYED MUAZZAMUDDIN HOSAIN: Every college has got Sanskrit as Second Language.

Mr. BIMAL CHANDRA SINHA: Will the Hon'ble Minister be pleased to state if he considers it desirable to introduce the Sanskrit Honours course in the College before taking up the proposal of starting a Sanskrit College at Chittagong?

The Hon'ble Mr. SAIYED MUAZZAMUDDIN HOSAIN: It will be considered if any proposal comes to that effect.

Mr. NIHARENDU DUTT-MAZUMDAR: Is it the policy of the Government to encourage the learning and study of Sanskrit in the Pakistan that is to be?

The Hon'ble Mr. SAIYED MUAZZAMUDDIN HOSAIN: If the Hindus of Pakistan want, it will certainly be given.

Mr. MOHAMMAD HABIBULLAH CHAUDHURY: Will the Hon'ble Minister be pleased to state whether it is a fact that in Muslim seats of Government Sanskrit was always taught?

The Hon'ble Mr. SAIYED MUAZZAMUDDIN HOSAIN: Yes, it got much encouragement from Muslim rulers.

Mr. A. T. MAZHARUL HAQUE: Is it a fact that in the Dacca University the Department of Sanskrit was headed by a Muslim by the name of Dr. Sahidulla?

The Hon'ble Mr. SAIYED MUAZZAMUDDIN HOSAIN: Yes.

Mr. BIMAL CHANDRA SINHA: Does the Hon'ble Minister consider it desirable to reserve 55 per cent. of the seats in the proposed Sanskrit College for Muslims?

Mr. DEPUTY SPEAKER: That question does not arise.

Compensation for acquisition of land in Tippera.

***259. Mr. DHIRENDRA NATH DUTTA:** (*a*) Is the Hon'ble Minister in charge of the Land and Land Revenue Department aware that large areas of lands including homesteads and tanks, *nals*, etc., that were requisitioned for military purposes in the district of Tippera have been rendered unfit for the purpose for which they were used before the requisition?

(*b*) Is it a fact that the Government intend to permanently acquire those lands under the Land Acquisition Act?

(*c*) If the answer to clause (*b*) is in the affirmative, will the Hon'ble Minister be pleased to state what steps, if any, the Government intend to take in order to resettle them with homesteads and other necessary lands?

(*d*) Do the Government consider the desirability of immediately amending the Land Acquisition Act enabling the Land Acquisition Officer to grant adequate compensation to those persons who have been thus deprived of their homesteads, i.e., the cost that will be now necessary for erection of new homesteads besides the compensation that can be now allowed under the Land Acquisition Act?

Mr. ABDUL KARIM (on behalf of the Hon'ble Mr. Fazlur Rahman): (*a*) Yes. 1,976·83 acres of land including *nal*, *bhita* and garden, etc., have been rendered unfit.

(*b*) Some portion of the land is proposed to be acquired under the Land Acquisition Act.

(*c*) Due compensation is being paid to the people affected by the permanent acquisition. Some of the evacuees of permanently acquired areas have been given alternative accommodation temporarily and others have chosen new places for themselves.

(*d*) No. Full compensation has already been paid to people whose huts and houses have been acquired.

Mr. MUHAMMAD HABIBULLAH CHAUDHURY: Will the Hon'ble Minister be pleased to state whether Government is considering the desirability of publishing the report of Rai Bahadur Dinesh Chandra Gupta who enquired into the evacuees problem of Chittagong, Tippera and Noakhali?

Mr. ABDUL KARIM: I do not know if this report has any connection with the present question.

Mr. DHIRENDRA NATH DATTA: Will the Hon'ble Minister be pleased to tell us what will be the present market value of the land or the market value of the land at the time when the land was temporarily acquired?

Mr. ABDUL KARIM: I cannot say off-hand.

Mr. DHIRENDRA NATH DATTA: Will the Hon'ble Minister be pleased to tell us, in view of the answer just given, how does he reconcile that with the answer that due compensation is being paid to the people

affected by the permanent acquisition? What is meant by the expression "due compensation"—compensation at the rate of the market value at the time when the land was temporarily acquired or at the rate of the present market value?

Mr. ABDUL KARIM: At the time of permanent acquisition, the market value will be taken into consideration.

Mr. DHIRENDRA NATH DATTA: In view of the answer given in (*c*) that due compensation is being paid, will the Hon'ble Minister be pleased to state at what rate compensation is being paid—at the rate of the present market value or the market value of the time when the land was temporarily acquired?

Mr. ABDUL KARIM: I want notice.

Mr. MUHAMMAD HABIBULLAH CHAUDHURY: Will the Hon'ble Minister be pleased to state whether he is aware that recently meetings and conferences were held in Tippera to ventilate the grievances of the people in connection with the evacuees problem?

Mr. ABDUL KARIM: I have no such information.

Mr. DHIRENDRA NATH DATTA: Is the Hon'ble Minister aware that when the Chief Minister went to Comilla, the grievances of the people affected by this acquisition were placed before the Chief Minister?

Mr. ABDUL KARIM: There is no such thing on record.

Mr. MUHAMMAD HABIBULLAH CHAUDHURY: Will the Hon'ble Minister be pleased to state whether he is aware that a Parliamentary Secretary coming from Tippera issued a statement asking people not to join hands with the Communists and start agitation against the Government?

Mr. DEPUTY SPEAKER: I disallow this question.

Mr. BIJOY KRISHNA SARKAR: With reference to answer (*c*), will the Hon'ble Minister be pleased to state whether Government desires to make some permanent accommodation for the people whose houses have been acquired permanently?

Mr. ABDUL KARIM: Yes, they have been given alternative accommodation and some people have chosen new places.

Mr. BIJOY KRISHNA SARKAR: I want to know whether Government will give permanent accommodation to those persons whose houses have been acquired permanently?

Mr. ABDUL KARIM: Yes.

Mr. MUHAMMAD HABIBULLAH CHAUDHURY: Will the Hon'ble Minister be pleased to state how many persons were affected by permanent acquisition?

Mr. ABDUL KARIM: I want notice.

Mr. CHARU CHANDRA BHANDARI: With reference to answer (*c*) in view of the fact that the value of building materials has increased three or four times, will the Hon'ble Minister be pleased to state whether Government is considering the desirability of giving a house grant for building their houses just now?

Mr. ABDUL KARIM: These matters were already considered at the time of making payments.

Mr. CHARU CHANDRA BHANDARI: The answer apparently means that compensation was paid at the time of acquiring these places some three or four years ago, *i.e.*, in 1943 or nearabout that time. Will the Hon'ble Minister be pleased to state when the compensation was paid?

Mr. ABDUL KARIM: I cannot say in which year compensation was paid.

Mr. CHARU CHANDRA BHANDARI: Will the Hon'ble Minister be pleased to enquire into the matter and if compensations were paid on the basis of prices prevailing in the year 1943 or 1944, will he be pleased to consider the desirability of paying new grants to the evacuees who want to build their houses just now?

Mr. ABDUL KARIM: If any such request is made, every enquiry will be made in the matter.

Mr. BENODE CHANDRA CHAKRABORTY: With reference to answer (*d*), viz., full compensation has been paid to people whose huts and houses have been acquired, will the Hon'ble Minister be pleased to state the amount of compensation paid?

Mr. ABDUL KARIM: I want notice; I cannot say that off-hand.

Mr. SURESH CHANDRA DAS GUPTA: মাননীয় মন্ত্রী মহাশয় অনুগ্রহ করে বলবেন কি যে (*b*) উত্তরে যে বলেছেন "some portion of the land is proposed to be acquired under the Land Acquisition Act", তাহলে এগুলি acquire করে কি কাজে ব্যবহার করা হবে—তার কোন পরিকল্পনা করা হয়েছে কি?

Mr. ABDUL KARIM: Yes; they will be utilised for these purposes—for building an aerodrome in Comilla, for starting a State orphanage—some portion will be required for railway sidings and some for the improvement of district roads and some embankments will be utilised for Grow More Food campaign.

Officers-in-charge of Calcutta police-stations.

***260. Mr. SATIS CHANDRA CHAKRAVARTI:** Will the Hon'ble Minister in charge of the Home Department be pleased to state—

(*a*) how many thanas are there in Calcutta;

(*b*) how many thana officers at present are (*i*) Hindus, (*ii*) Muslims and (*iii*) of other communities; and

(*c*) in how many cases claims of senior men in the ratio in the thana officers have been ignored to keep up the comm

Mr. K. NASARULLA (on behalf of the Ho- Mr. H. S. Suhrawardy):

(*a*) Twenty-seven.

(*b*) Officers-in-charge—

(*i*) Hindus—10.

(*ii*) Muslims—15.

(*iii*) Other communities—2.

(*c*) In making postings, as officers-in-charge of thanas, the claims of senior men have, in no case, been ignored to keep up the communal ratio.

Mr. BIMAL CHANDRA SINHA: Will the Hon'ble Minister be pleased to state what is the policy of Government regarding posting of thana officers-in-charge and the maintaining of communal ratio?

Mr. K. NASARULLA: Sir, the policy in posting officers is that Government always give promotion to capable officers.

Mr. BADIUZZAMAN MUHAMMAD ILIAS: Will the Hon'ble Minister be pleased to state how many officers there are in Calcutta Police and how many of them are Muslims? I mean the number of thana officers.

Mr. K. NASARULLA: Sir, the number of thana officers in Calcutta is as follows: Hindus are 69; Muslims 42; and other communities 1.

Mr. BADIUZZAMAN MUHAMMAD ILIAS: Does the Government consider it desirable to apply communal ratio so far as promotion is concerned?

Mr. K. NASARULLA: In case of promotion I am sorry Government cannot consider that.

Mr. NIHARENDU DUTT-MAZUMDAR: Will the Hon'ble Minister be pleased to state whether Government will be considering the desirability of introducing the population ratio in the case of thana officers in the different thanas of Calcutta?

Mr. K. NASARULLA: It is very difficult to answer this question, because I cannot say off-hand.

Mr. BIMAL CHANDRA SINHA: Will the Hon'ble Minister be pleased to state if it is a fact that a thana officer of the Jorasanko Thana was promoted from the rank of Assistant Sub-Inspector though competent officers from the rank of Sub-Inspectors were available?

Mr. K. NASARULLA: I want notice.

Mr. BIMAL CHANDRA SINHA: Will the Hon'ble Minister be pleased to state why is it that the officers-in-charge of thanas have been posted in such a fashion that the communal ratio rules so far as the upper grade is concerned have not been maintained—Hindus only 10 and Muslims 15? My question is if it is a fact that that is the communal composition of the higher officers in the Calcutta Police?

Mr. K. NASARULLA: No, Sir.

Mr. NIHARENDU DUTT-MAZUMDAR: Will the Hon'ble Minister be pleased to state whether it is a fact that the senior officers other than the Muslims competent to be placed in charge of thanas were shunted off either on training or in office duties in the Police Department?

Mr. K. NASARULLA: No, Sir.

Mr. MUNINDRA NATH BHATTACHARJEE: Will the Hon'ble Minister be pleased to tell us the total number of police in Calcutta and how many of them are Hindus and how many Muslims?

Mr. K. NASARULLA: I want notice.

Dr. PROTAP CHANDRA GUHA ROY: Will the Hon'ble Minister be pleased to state if it is a fact that one Detective Department Inspector, Bhowanipur Thana, though he is a senior officer but simply because he is a Hindu, has been transferred to the training college and a junior Muslim officer has been posted there?

Mr. K. NASARULLA: For the particular case I want notice.

Mr. NIHARENDU DUTT-MAZUMDAR: Is the Hon'ble Minister aware of the fact that the communal discrimination against non-Muslim officers is one of the causes for undermining Police discipline in the city of Calcutta?

Mr. K. NASARULLA: No.

Mr. BIMAL CHANDRA SINHA: Will the Hon'ble Minister be pleased to state if it is a fact that these thana officers work under one Detective Department Inspector for every three thanas and these thana officers can take no initiative but to work under these Detective Department Inspectors?

Mr. K. NASARULLA: Thana officers who are in charge of thanas have got full responsibility to take action.

Mr. BIMAL CHANDRA SINHA: Is it a fact that there are certain Detective Department officers acting over the thana officers?

Mr. K. NASARULLA: The Detective Department officers have got separate duties. They have got nothing to do with thanas.

Mr. BIMAL CHANDRA SINHA: Will the Hon'ble Minister be pleased to state if the duty of the thana officers has now been divided between the thana officers and the Detective Department officers regarding enforcement and regarding criminal investigation?

Mr. K. NASARULLA: I ask for notice.

Mr. BIMAL CHANDRA SINHA: Will the Hon'ble Minister be pleased to state if it is a fact that grave complaints have been received against certain thana officers and, if so, what action has been taken against them?

Mr. K. NASARULLA: To the knowledge of Government no complaint has been received.

Maulvi MAJIBUR RAHMAN: Is it a fact that some leading political gentlemen of Calcutta have been trying to create disaffection in the Military and Police of Calcutta?

Mr. DEPUTY SPEAKER: This does not come within the purview of the main question.

Procedure for admission of patients into Carmichael Hospital for tropical diseases.

*261. **Mr. MUNINDRA NATH BHATTACHARJEE:** Will the Hon'ble Minister in charge of the Health and Local Self-Government Department be pleased to state—

(*a*) the procedure that is followed in admitting patients to the Carmichael Hospital for tropical diseases; and

(*b*) whether it is a fact—

(*i*) that the Director often admits patients direct into the hospital without reference to the department concerned, and

(*ii*) that many of the patients admitted by the Director direct were found to be cases of active tuberculosis?

Mr. S. A. SALIM (on behalf of the Hon'ble Mr. Mohammed Ali): (*a*) All cases for admission to the hospital are seen by the Director.

(*b*) (*i*) Cases referred to the Director by outside doctors, various Government departmental heads, other bodies and from the out-patients' department are admitted into the hospital under the departments concerned.

(*ii*) No.

Mr. MUNINDRA NATH BHATTACHARJEE: Will the Hon'ble Minister be pleased to state whether before admission of the patients reference is made to the department concerned by the Director?

Mr. S. A. SALIM: No, Sir.

Distribution of relief money to riot victims of Kalna.

*262. **Mr. RAMHARI ROY:** (a) Will the Hon'ble Minister in charge of the Co-operation, Credit and Relief Department be pleased to state whether it is a fact that after the recent riot at Kalna relief money was distributed by the Government among the affected Hindu and Muslim people?

(b) If so, will the Hon'ble Minister be pleased to state what amount has been distributed among the distressed Hindu and Muslim people?

Mr. MASIHUDDIN AHMED (on behalf of the Hon'ble Mr. A. F. M. Abdur Rahman): (a) Yes.

		Hindus.	Muslims.
		Rs.	Rs.
(b)	(i) Gratuitous relief to destitutes ..	3,690	12,910
	(ii) Gratuitous relief to traders ..	8,275	2,720
	(iii) Free house-building grants to affected persons	2,775	12,225
	(iv) Special loans to traders ..	2,235	1,725
	(v) Agricultural loans	Nil	4,000
	Total ..	16,975	33,580

Mr. RAJENDRA NATH SARKAR: Will the Hon'ble Minister be pleased to state why no agricultural loan was granted to Hindu cultivators or Hindus?

Mr. MASIHUDDIN AHMED: The District Magistrate did not consider it desirable to grant loans to them.

Maulvi AKBAR ALI: Will the Hon'ble Minister be pleased to state what was the loss of property of the Hindus and what was the loss of property of the Muslims?

Mr. MASIHUDDIN AHMED: Loss of property of Muslims was overwhelming in comparison with that of the Hindus.

Mr. BIJOY KRISHNA SARKAR: Will the Hon'ble Minister be pleased to state on what basis relief was given to the destitute persons?

Mr. MASIHUDDIN AHMED: That is a very vague question. I cannot answer that.

Mr. BIJOY KRISHNA SARKAR: Will the Hon'ble Minister be pleased to state the number of Hindus and the number of Muslims who were affected in these riots?

Mr. DEPUTY SPEAKER: That is a vague question. Next question.

Increase in rate of audit fees of Co-operative Societies.

*263. **Mr. SATINDRA NATH SEN:** Will the Hon'ble Minister in charge of the Co-operation Department be pleased to state—

(a) whether audit fees of Co-operative Societies have been increased from Rs.140 to Rs.1,000 within the last 7 or 8 years in spite of objections from various societies;

(b) whether Joint Stock Company's Banks, with higher working capital, pay lesser amount of audit fees to the R.A's and G.D.A's than Co-operative Societies who have to audit their accounts by lesser qualified Auditors and Inspectors;

(*c*) whether Joint Stock Company's Banks are regularly audited every year and the Co-operative Societies' accounts remain unaudited for couple of years;

(*d*) whether the Co-operative Societies have to work under various restrictions about investments, etc.; and

(*e*) whether the Hon'ble Minister is considering the desirability of allowing Co-operative Societies, if they so like, to have their accounts audited by G.D.A's and R.A's?

Mr. MASIHUDDIN AHMED (on behalf of the Hon'ble Mr. A. F. M. Abdur Rahman): (*a*) and (*c*) No.

(*b*) I have no information.

(*c*) I have no information about the audit of Joint Stock Company's Banks. As regards the audit of Co-operative Societies there has been delay in some cases.

(*d*) No such complaint has been received.

Mr. SURESH CHANDRA DAS GUPTA : মাননীয় মন্ত্রী মহাশয়, (*a*) উত্তরে যে লিখেছেন No. এটা কি ১৪০ টাকা থেকে এক হাজার টাকায় উঠে নাই এটাই refer করেছেন, না ৭ অথবা ৮ বৎসরে হয় নাই এইটা refer করেছেন?

Mr. MASIHUDDIN AHMED : এক হাজার টাকা উঠে নাই এইটাই refer করা হয়েছে, ৭-৮ বৎসরে নয়।

Mr. SURESH CHANDRA DAS GUPTA : মাননীয় মন্ত্রীমহাশয়, অনুগ্রহ করে বলবেন কি Joint Stock Company's একটা আইনে Indian Co-operative Actএ আছে তাদের প্রতি বৎসরে একটা audit করতে হয় একথা তিনি জানেন কিনা?

Mr. MASIHUDDIN AHMED: I have already answered the question.

Mr. SURESH CHANDRA DAS GUPTA : মাননীয় মন্ত্রীমহাশয়, উত্তর দিয়েছেন "I have no information" এই উত্তর তিনি আইনতঃ দিতে পারেন কি?

Mr. MASIHUDDIN AHMED: I refer the honourable member to the answer given.

Mr. SURESH CHANDRA DAS GUPTA : মাননীয় মন্ত্রীমহাশয়, এটা একটু ভাল করে বুঝিয়ে দেবেন কি?

Mr. MASIHUDDIN AHMED: The answer is very clear.

Mr. SURESH CHANDRA DAS GUPTA: No, it is not clear.

Mr. BADIUZZAMAN MUHAMMAD ILIAS: Is the Hon'ble Minister aware that the country has not at all been benefitted by these Co-operative Societies?

Mr. MASIHUDDIN AHMED: I do not agree with the honourable member.

Maulvi AKBAR ALI: Will the Hon'ble Minister be pleased to state what is the present rate of audit fee?

Mr. MASIHUDDIN AHMED: I refer the honourable member to notification No. 8876-Co-op., dated the 14th December, 1945, in Calcutta Gazette.

Maulvi AKBAR ALI: Will the Hon'ble Minister be pleased to state whether owing to the bad condition of the Central Banks, Government is proposing to abolish these banks?

Mr. MASIHUDDIN AHMED: No, not at present.

Mr. SURESH CHANDRA DAS GUPTA: মাননীয় মন্ত্রীমহাশয়, বলবেন কি যে Company's আইনে যেমন আছে প্রতি বৎসরে audit না করলে তাদের শাস্তি পেতে হয়, co-operative societyতে audit না হলে শাস্তির কোন ব্যবস্থা আছে কি?

Mr. MASIHUDDIN AHMED: As the staff in the Co-operation Department was not adequate sometime ago, there was delay in auditing, but now under the new organisation staff has already been increased, and there will be no delay.

Mr. SURESH CHANDRA DAS GUPTA: তাহলে এই delayর জন্য দায়ী ছিল কে?

Mr. MASIHUDDIN AHMED: Certainly those officers who were responsible.

Mr. SURESH CHANDRA DAS GUPTA: দায়ী কি নিম্ন কর্ম্মচারীরা না উপরের কর্ম্মচারীরা?

Mr. MASIHUDDIN AHMED: Those officers who failed to finish auditing in time.

Amount of relief grants paid to distressed families in Tippera and Noakhali.

***264. Mr. MIHIR LAL CHATTOPADHYAYA:** Will the Hon'ble Minister in charge of the Relief and Rehabilitation Department be pleased to state—

(*a*) the amount of relief under different heads paid to the distressed families in Tippera and Noakhali, thana by thana, up to January 15, 1947; and

(*b*) whether any grant towards house-building, purchase of utensils and business rehabilitation and any loan for house-building had been distributed in Duttapara centre (Noakhali) between December 22, 1946, and January 10, 1947, and if not, the reason thereof?

Mr. MASIHUDDIN AHMED (on behalf of the Hon'ble Mr. A. F. M. Abdur Rahman): (*a*) A statement furnishing the information is laid on the Library Table.

(*b*) None during the period in question, for the Relief Circle Officer was on leave then, and the Assistant Relief Circle Officer who was new to the area took some time to pick up.

Mr. MUHAMMAD HABIBULLAH CHAUDHURY: Sir, no statement has been laid on the Library Table, as stated in the answer. I suggest that the question be held over and taken up next day. In a case of more or less similar nature, you were pleased to hold over the question because the statement laid on the Library Table was too long and the time at our disposal was too short to look into it. So I would request that in this case where no statement has been laid on the Library Table, the question be held over till tomorrow.

Mr. SURESH CHANDRA DAS GUPTA: আজকার প্রথম নম্বরের question টার উত্তরে statement lying in the Library table আছে বলে সেটা held over হয়েছে। সেই মতে এই প্রশ্নটাও held over করা হোক কারণ এত অল্প সময়ের মধ্যে সমস্ত statement পড়ে দেখে প্রশ্ন করা সম্ভব নয়, কিছু সময়ের দরকার। আশা করি আমার প্রস্তাবটা গ্রহণ করা হবে।

Mr. DEPUTY SPEAKER: The question may be held over and may be taken up tomorrow.

Robberies near Kajiar char in Dacca district.

***285. Mr. MUNINDRA NATH BHATTACHARJEE:** (*a*) Will the Hon'ble Minister in charge of the Home Department be pleased to state whether it is a fact that fishermen catching and buying fish in the river between the Bahor *khal* and the confluence of the Padma and the Meghna are often robbed of their fish by hooligans specially near Kajiar *char* and other *char* lands near Dighirpar (Dacca district)?

(*b*) Does the Hon'ble Minister consider the desirability of enquiring into the matter and taking steps to prevent the alleged *julum* on fishermen in the area mentioned above?

Mr. K. NASARULLA (on behalf of the Hon'ble Mr. H. S. Suhrawardy): (*a*) Only two cases were reported from river Dhaleswari, near Jugnighat [case No. 15(II)46 and 17(II)46, under section 379, I.P.C., of Munshiganj police-station]. No other case of the forcible taking of fish was reported from these places.

(*b*) The local police are taking necessary steps.

Mr. SURESH CHANDRA DAS GUPTA: মাননীয় মন্ত্রীমহাশয়, অনুগ্রহ করে বলবেন কি এই যে মোকদ্দমা করা হয়েছে তার কি ফল হয়েছে?

Mr. K. NASARULLA: I want notice.

Mr. CANENDRA CHANDRA BHATTACHARJEE: Will the Hon'ble Minister be pleased to state what steps police are taking to stop all this hooliganism?

Mr. K. NASARULLA: All necessary steps are taken, such as police patrolling, and other things.

Mr. SURESH CHANDRA DAS GUPTA: On a question of privilege স্যার, যদি এই রকমভাবে questionএর উত্তর দেওয়া হয় যে case has been started, I want notice, তাহলে আমরা কিভাবে তার notice দেব।

Mr. K. NASARULLA: Because I do not know whether the case has been decided upon or not. It is commonsense.

Mr. SURESH CHANDRA DAS GUPTA: তাহলে মাননীয় মন্ত্রীমহাশয়ের উত্তর দেওয়া উচিৎ ছিল না কি যে case decided হয় নাই?

Mr. K. NASARULLA: Because I do not know whether the case has been decided or not.

Mr. CANENDRA CHANDRA BHATTACHARJEE: Will the Hon'ble Minister be pleased to say if Government is aware that this sort of robbery in the Dacca district is a long-standing affair?

Mr. K. NASARULLA: Sir, a number of robberies are taking place and Government is fully aware of it and has taken all necessary steps to put a stop to it.

Mr. CANENDRA CHANDRA BHATTACHARJEE: Will the Hon'ble Minister be pleased to state if it is a fact that in the last four or five years police has totally failed to stop this sort of river robbery?

Mr. K. NASARULLA: I do not admit that police has failed.

Mr. CANENDRA CHANDRA BHATTACHARJEE: Will the Hon'ble Minister be pleased to state if it is a fact that now river communication has almost stopped there?

Mr. K. NASARULLA: I am not aware of it.

Mr. MIHIR LAL CHATTOPADHYAYA: Will the Hon'ble Minister be pleased to state if the incidence of robbery has increased?

Mr. K. NASARULLA: Sir, I would like to have notice.

Externment of persons from different districts.

***266. Mr. MUHAMMAD HABIBULLAH CHOWDHURY:** Will the Hon'ble Minister in charge of the Home Department be pleased to state—

(*a*) how many persons have up till now been (*i*) detained, (*ii*) externed from Calcutta, Howrah and 24-Parganas, under the Presidency Security Act;

(*b*) how many of them are (*i*) Hindus, (*ii*) Muslims, and (*iii*) Sikhs;

(*c*) how many persons have so far been externed from Noakhali, Tippera and Dacca districts under the Noakhali and Tippera Security Act and Dacca Security Act; and

(*d*) how many of them are (*i*) Hindus, (*ii*) Muslims and (*iii*) Sikhs?

Mr. K. NASARULLA (on behalf of the Hon'ble Mr. H. S. Suhrawardy): (*a*) (*i*) Nil.

(*ii*) One thousand one hundred and ten.

(*b*) (*i*) Five hundred and seventy-seven.

(*ii*) Five hundred and fifteen.

(*iii*) Nil.

(*c*) Forty-five from Dacca only.

(*d*) (*i*) Twenty-three.

(*ii*) Twenty-two.

(*iii*) Nil.

Mr. MUHAMMAD HABIBULLAH CHAUDHURY: Will the Hon'ble Minister be pleased to state whether in the opinion of Government there is no undesirable Sikh element in Calcutta who should be externed?

Mr. K. NASARULLA: At present none of them has been externed, but I do not know if in future any of them will be externed or not.

Mr. PROVASH CHANDRA LAHIRI: মাননীয় মন্ত্রীমহাশয় যে statement দিয়েছেন তাতে দেখা যায় externedদের মোট সংখ্যা ১,১১০ কিন্তু সম্প্রদায় হিসাবে যে সংখ্যা দেখিয়েছেন তাতে দেখা যায় ১০৯২ জন। এই যে হিসাবে ১৮ জন কম হচ্ছে এই ১৮ জন কোন সম্প্রদায়ভুক্ত?

(A VOICE এগুলি বোধ হয় গভর্ণমেণ্ট অফিসার।)

Mr. K. NASARULLA: Sir, 577 are Hindus and 515 are Muslims. The remainder must be from the other communities.

Mr. PROVASH CHANDRA LAHIRI: স্যার, আমার প্রশ্ন হচ্ছে—হিসাবে দেখান হয়েছে ৫৭৭ জন হিন্দু, ৫১৫ জন মুসলমান কিন্তু মোট externedদের সংখ্যা দেখান হয়েছে ১১১০ জন এই বাকি ১৮ জনের কোন হিসাব পাওয়া যাচ্ছে না কেন?

Mr. K. NASARULLA: Sir, may I explain? The question was asked as to how many Muslims, how many Hindus and how many Sikhs have been externed. Therefore I only gave the figures for Muslims, Hindus and Sikhs.

Mr. MIHIR LAL CHATTOPADHYAYA: Will the Hon'ble Minister be pleased to state to which other community the remaining 18 people belonged?

Mr. K. NASARULLA: I would require notice.

Mr. BADIUZZAMAN MUHAMMAD ILIAS: Is it a fact that the remaining number belongs neither to the Hindu nor to the Muslim community?

Mr. MUHAMMAD HABIBULLAH CHAUDHURY: On a point of privilege, Sir. In view of the fact that it is my question I must have the privilege of putting supplementary questions.

Mr. DEPUTY SPEAKER: You did not stand up at the proper time but Mr. Ilias did.

Mr. BADIUZZAMAN MUHAMMAD ILIAS: Will the Hon'ble Minister be pleased to state whether it is a fact that the remaining members whose identity or nationality is not described here belong to neither the Muslim community nor to the Hindu community?

Mr. K. NASARULLA: It seems to be so, Sir.

Mr. MUHAMMAD HABIBULLAH CHAUDHURY: Will the Hon'ble Minister be pleased to state how many of these 1,110 mentioned in answer (*a*)(*ii*) are Bengalis and how many of them are non-Bengalis?

Mr. K. NASARULLA: For details I want notice.

Mr. NIHARENDU DUTT-MAZUMDAR: With reference to answer (*d*)(*ii*) and (*iii*), namely, 22 in the case of Dacca and nil in the case of Noakhali, will the Hon'ble Minister be pleased to state what are the reasons for no cases of externment from Noakhali?

Mr. K. NASARULLA: Sir, the externment orders are issued and decided by the District Officers and I cannot say off-hand why in Noakhali there was no order of externment.

Mr. NIHARENDU DUTT-MAZUMDAR: Will the Hon'ble Minister be pleased to state what are the incidents or the particular situation which led to the externment of so many people from Dacca vis-a-vis Noakhali wherefrom no externment took place?

Mr. K. NASARULLA: In the opinion of the District Magistrate of Dacca these people were of bad character with past offences and were a menace to the city while I think the District Magistrate of Noakhali has not decided at the present moment whether he should extern anybody.

Maulvi AKBAR ALI: With reference to answer (*b*)(*iii*), is the Hon'ble Minister aware that many Sikhs were responsible for creating disturbances in August last?

Mr. K. NASARULLA: Some of them were responsible.

Mr. NIHARENDU DUTT-MAZUMDAR: Will the Hon'ble Minister be pleased to state whether the reason for no such action in Noakhali was due to the connivance of Government officers on deliberate instructions from the Ministry?

Mr. K. NASARULLA: No, Sir.

Mr. MUHAMMAD HABIBULLAH CHAUDHURY: Will the Hon'ble Minister be pleased to state whether Government followed the 50: 50 formula in the matter of selecting externees?

Mr. K. NASARULLA: Government did not follow the 50: 50 formula.

Mr. A. T. MAZHARUL HAQUE: Will the Hon'ble Minister be pleased to state whether it was under private instructions that these cases of externment have taken place?

Mr. K. NASARULLA: No, Sir.

Mr. MAJIBUR RAHMAN: Will the Hon'ble Minister be pleased to state whether some outside *goondas* under the colour of relief workers are there in the district of Noakhali and no action has yet been taken against them?

Mr. K. NASARULLA: Sir, there is an information that some outsiders did appear in Noakhali.

Mr. MIHIR LAL CHATTOPADHYAYA: In view of the answer given that Sikhs have been responsible for lawlessness — —

Mr. K. NASARULLA: I did not say that Sikhs were responsible; I said, some of them were.

Mr. MIHIR LAL CHATTOPADHYAYA: Will the Hon'ble Minister be pleased to state what action has been taken against those people?

Mr. K. NASARULLA: Action will be taken similar to that which has been taken against others.

Mr. MIHIR LAL CHATTOPADHYAYA: Will the Hon'ble Minister be pleased to state whether any action has been taken?

Mr. K. NASARULLA: I ask for notice.

Mr. PROVAS CHANDRA LAHIRY: মাননীয় মন্ত্রীমহাশয় জানাবেন কি নোয়াখালীর ম্যাজিষ্ট্রেট কে এবং তিনি কোন সম্প্রদায়ভুক্ত ?

Mr. K. NASARULLA: The District Magistrate of Noakhali is a European gentleman.

Mr. DEPUTY SPEAKER: That question is irrelevant.

Mr. MIHIR LAL CHATTOPADHYAYA: In view of the numerous externment orders served on many persons, will the Hon'ble Minister be pleased to state whether any provision has been made for the maintenance of these people?

Mr. K. NASARULLA: No, Sir. They do not deserve it.

Mr. MAJIBUR RAHMAN: Is the Hon'ble Minister aware that owing to illegal activities of the so-called Congress volunteers in Noakhali the rehabilitation work is being hampered?

Mr. DEPUTY SPEAKER: That question is irrelevant.

Cultivable waste and fallow lands in different districts.

***287. Mr. SYED MUHAMMAD AFZAL:** Will the Hon'ble Minister in charge of the Land and Land Revenue Department be pleased to state the total area of lands, district by district, in Bengal classified as (*i*) fallow, and (*ii*) cultivable waste other than fallow?

Mr. ABDUL KARIM (on behalf of the Hon'ble Mr. Fazlur Rahman): A statement is laid on the Table.

Statement referred to in starred question No. 267.

District.	Fallow.	Cultivable waste other than fallow.
	Acres.	Acres.
24-Parganas	68,776·91	183,462·61
Jessore	21,226·45	230,418·64
Khulna	4,912·41	131,549·25
Nadia	53,218·46	248,813·06
Murshidabad	26,939·27	141,492·03
Midnapore	72,445·05	331,122·08
Bankura	99,349·16	273,907·78
Howrah	7,367·23	13,154·38
Hooghly	16,525·25	53,689·46
Burdwan	61,116·55	1,188,835·42
Birbhum	17,144·87	104,129·00
Tippera	21,899·62	59,390·57
Noakhali	5,133·51	78,422·99
Chittagong	11,188·20	139,271·25
Bakarganj	32,201·09	130,320·64
Faridpur	41,075·80	144,446·86
Dacca	31,596·72	84,324·29
Mymensingh	36,449·20	338,959·90
Pabna	15,927·28	92,830·74
Rajshahi	33,572·04	120,594·41
Malda	13,245·84	109,270·36
Dinajpur	114,934·42	280,762·04
Jalpaiguri	81,755·42	279,514·64
Rangpur	57,572·55	198,921·43
Bogra	10,400·20	36,425·32

Mr. NIHARENDU DUTT-MAZUMDAR: Will the Hon'ble Minister be pleased to state whether these figures of cultivable waste land are exclusive of the areas left free by villagers for pasture of cattle or inclusive of them?

Mr. ABDUL KARIM: I ask for notice.

Mr. NIHARENDU DUTT-MAZUMDAR: Will the Hon'ble Minister be pleased to state whether he is aware that in many districts of Bengal, in fact all over Bengal, there is absolutely no adequate provision for pasture for the cattle of the cultivators?

Mr. ABDUL KARIM: I am not aware.

Mr. NIHARENDU DUTT-MAZUMDAR: Will the Hon'ble Minister be pleased to state whether in calculating the figures regarding the amount

of cultivable waste land in Bengal the Government have taken into consideration the requirement in acreage of pastures to provide for the entire cattle strength of Bengal cultivators?

Mr. ABDUL KARIM: These figures have been obtained from the agricultural statistics, enumeration of which was held in Bengal in 1944-45. I cannot say just now whether they were included.

Mr. NIHARENDU DUTT-MAZUMDAR: Will the Hon'ble Minister be pleased to state whether it is a fact that such figures exclusive of any consideration of the requirement of pasture are misleading with regard to the actual amount of waste land in Bengal?

Mr. ABDUL KARIM: I cannot say that.

Mr. DEPUTY SPEAKER: That is a matter of opinion.

Mr. PROVASH CHANDRA LAHIRI: মাননীয় মন্ত্রিমহাশয়, প্রত্যেক জেলার পতিত জমির যে হিসাব দিয়েছেন তা যোগ দিলে দেখা যায় যে (Mr. NIHARENDU DUTT-MAJUMDAR: আবার অঙ্কের ধাক্কায় ফেল্লেন) ৪,৯৯০ হাজার একর কিন্তু কয়েক দিন আগে ২৫শে তারিখে মাননীয় মন্ত্রীমহাশয় council এ যে statement দিয়েছেন তাতে তিনি দেখিয়েছেন ৩৯ লক্ষ ৯৩ হাজার একর পতিত জমি; এখন দেখা যাচ্ছে ১০ লক্ষ একর জমির গোলমাল—এর কারণ কি?

(Mr. NIHARENDU DUTT-MAZUMDAR: জমিও চুরি হয়ে গেল!)

Mr. DEPUTY SPEAKER: It is not easy to answer that question offhand.

Mr. NIHARENDU DUTT-MAZUMDAR: Sir, may we hear the answer from the Hon'ble Minister?

Mr. DEPUTY SPEAKER: I do not think it is possible to answer such a supplementary question.

Mr. NIHARENDU DUTT-MAZUMDAR: Sir, ten lakhs of acres of land are disappearing and still no answer is forthcoming! (Laughter.)

Mr. ISWAR CHANDRA MAL: Will the Hon'ble Minister be pleased to state whether any constructive or beneficial measures have hitherto been taken to bring the cultivable fallow lands under cultivation?

Mr. ABDUL KARIM: The Waste Land Bill is pending before the House.

Mr. MIHIR LAL CHATTOPADHYAYA: Will the Hon'ble Minister be prepared to admit that much of this appalling quantity of acreage of waste land is responsible for the bad irrigation system in the province?

Mr. ABDUL KARIM: That is a matter of opinion.

Mr. PROVASH CHANDRA LAHIRI: মাননীয় মন্ত্রীমহাশয়, যে statement দিয়েছেন তাতে দেখা যায় মৈমনসিংহ জেলায় ৩ লক্ষ ১৮ হাজার ৯ শত ৫৯ একর জমি পতিত আছে অথচ মৈমনসিংহ জেলা থেকে অনেক লোক আসামে জমির সন্ধানে চলে যাচ্ছে। এত পতিত জমি নিজের জেলায় থাকা সত্ত্বেও আসাম গিয়ে যারা evicted হচ্ছে তাদের ফিরিয়ে এনে মৈমনসিংহ জেলার পতিত জমিতে বসাবার ব্যবস্থা মাননীয় মন্ত্রীমহাশয় করবেন কি?

Mr. DEPUTY SPEAKER: Mr. Lahiri, that is a suggestion and not a question for eliciting information.

Mr. NIHARENDU DUTT-MAZUMDAR: Sir, I am taking the question from Mr. Lahiri. I ask whether Government will consider the desirability of acting up to this suggestion made by Mr. Lahiri?

Mr. ABDUL KARIM: Government will certainly do it after the Waste Land Bill is passed in the House.

Mr. MUHAMMAD HABIBULLAH CHAUDHURY: Will the Hon'ble Minister be pleased to state what is the total area of fallow and cultivable land in Darjeeling and Calcutta which is not in the list?

Mr. ABDUL KARIM: Calcutta has not been treated as a separate district: the fallow land was included in 24-Parganas.

Mr. BIMAL CHANDRA SINHA: Will the Hon'ble Minister be pleased to state if in collecting these figures account has been taken of those lands which are now not being cultivated but can be cultivated on certain reclamation project being carried out?

Mr. ABDUL KARIM: I have already said that these statistics were obtained by the Agriculture Department, and I am not in a position to say anything further just now.

Establishment of Leper Colonies at Peardoba and Bankura.

***268. Mr. KANAI LAL DE:** (*a*) Will the Hon'ble Minister in charge of the Local Self-Government Department be pleased to state whether the scheme for establishment of Leper Colonies at Peardoba and at Bankura in the district of Bankura has been undertaken?

(*b*) If so, will the Hon'ble Minister be pleased to state how far progress has been made and what amount has been spent on the scheme up to December, 1946?

Mr. S. A. SALIM (on behalf of the Hon'ble Mr. Mohammed Ali): (*a*) Steps have been taken for the establishment of Leper Colonies both at Peardoba and at Bankura. At Peardoba the scheme was to utilise the existing buildings of the former aerodrome for the purposes of the colony while at Bankura it was decided to put up new buildings for the purpose. It has, however, recently been reported by the Works and Buildings Department that the present condition of the buildings at Peardoba is such that it would not be worth while to take them over for the colony. In view of this report Government are now considering how far it would be possible to proceed with the Peardoba portion of the scheme. At Bankura, on the other hand, Works and Buildings Department have already taken the work of construction in hand though the progress of the work will depend on the availability of building materials.

(*b*) The amounts actually spent are—

(*i*) Rs.2,819-13 on staff employed to organise the Leper Colonies.

(*ii*) Rs.60,253-4 as cost of acquisition of the land at Gourepur near Bankura.

In addition to the amounts actually spent, however, liability has been incurred on account of the land and buildings at Peardoba and on other items. The magnitude of this liability cannot be calculated accurately at present.

Mr. BADIUZZAMAN MUHAMMAD ILIAS: Will the Hon'ble Minister be pleased to state the reason why of all places in Bengal, Peardoba and Bankura have been selected for the leper colonies?

Mr. S. A. SALIM: It was the opinion of the Government that leper colonies will be better established at Bankura.

Mr. KANAI LAL DE : অতিরিক্ত প্রশ্ন মহাশয়—মাননীয় মন্ত্রীমহাশয় বলবেন কি ইতিপূর্বে রাজস্ব বিভাগের মন্ত্রীমহাশয় বলেছিলেন Peardovaর বাড়ীঘর বিহার refugeeদের জন্য reserve করে রাখা হয়েছে বলে সেখানে leper colony হতে পারে না, আর আজকের প্রশ্নের উত্তরে দেখা যাচ্ছে Peardovaর বাড়ীঘর অত্যন্ত খারাপ সেই জন্য সেখানে leper colony হতে পারবে না—তাঁর এই দুইদিনের দুইটি উত্তরের মধ্যে আমরা কোনটি বিশ্বাস করব?

Mr. S. A. SALIM: Please repeat your question.

Mr. KANAI LAL DE: আমি বলতে চাচ্ছি মাননীয় মন্ত্রীমহাশয় Peardova Leper colony করা সম্বন্ধে কিছুদিন পূর্বে বলেছিলেন Peardovaর বাড়ীঘর বিহার refugeeদের জন্য reserve করে রাখা হয়েছে সেইজন্য সেখানে leper colony করা যাইবে না, আর আজ উত্তরে দেখছি Peardovaর বাড়ীঘর ভাল নয় বলে সেখানে কোন leper colony হতে পারে না—তাঁর এই দুই দিনের দুই উত্তরের আমরা কোনটা বিশ্বাস করব?

Mr. S. A. SALIM: At first it was decided to have a leper colony at Peardoba but subsequently it was found by the Public Works Department that by having a colony there it will be waste of money. So the answer is very correct. At that time it was decided that the building was there, the structure was there, therefore it was utilised for the refugee camp at that place.

Mr. KANAI LAL DE: মাননীয় মন্ত্রীমহাশয় জানাবেন কি Public Health Department কিংবা রাজস্ব বিভাগ হতে বাঁকুড়ার জেলা ম্যাজিস্ট্রেটকে এ কথা জানান হয়েছিল কি যে Peardovaর ঘরবাড়ী বিহার refugeeদের জন্য reserve থাকবে, leper colony করা হবে না?

Mr. S. A. SALIM: I want notice. There is nothing in my file about it.

Mr. SURESH CHANDRA DAS GUPTA: মাননীয় মন্ত্রীমহাশয় অনুগ্রহ করে বলবেন কি যে Peardovaর দালান ঘরগুলি যদি অকেজো হয়ে যায় তাহলে তার material যা আছে, সেগুলি সকাল সকাল বিক্রয় করবার ব্যবস্থা করবেন কিনা?

Mr. S. A. SALIM: The matter is under consideration.

Mr. BIMAL CHANDRA SINHA: Will the Hon'ble Minister be pleased to state if the Government had incurred any expenditure up to date on the proposed colony at Peardoba?

Mr. S. A. SALIM: I have already answered—Rs.2,819-13as.

Mr. BIMAL CHANDRA SINHA: Will the Hon'ble Minister be pleased to state if the Government took the opinion of the concerned officers as to whether the expenditure of Rs.2,000 and odd will be sheer waste before they actually expended that sum?

Mr. S. A. SALIM: It was at first decided to establish a leper colony at Peardoba and for this staff was necessary.

Mr. MUHAMMAD HABIBULLAH CHAUDHURY: Will the Hon'ble Minister be pleased to state why the Works and Buildings Department did not point out that these buildings were not suitable when Government decided first to utilise the aerodrome?

Mr. S. A. SALIM: At first it was thought that the building of the aerodrome will be suitable and therefore the matter was referred to the Works and Buildings Department and then it was decided it would not be suitable. For that reason Rs.2,819-13 was spent for the maintenance of the staff.

Mr. MUHAMMAD HABIBULLAH CHAUDHURY: When the buildings were selected, did not the Government consider the desirability of sending some experts to inspect the buildings?

Mr. S. A. SALIM: I want notice for that.

Mr. KANAI LAL DE: অতিরিক্ত প্রশ্ন—মাননীয় মন্ত্রীমহাশয়, অনুগ্রহ করে জানাবেন কি যে বাঁকুড়া বাংলাদেশের মধ্যে কুষ্ঠপ্রধান স্থান কিনা?

Mr. S. A. SALIM: It is a matter of opinion.

Mr. KANAI LAL DE: মাননীয় মন্ত্রীমহাশয়, বলবেন কি বাঁকুড়া জেলায় Peardovaর leper colonyর পরিকল্পনা যদি পরিত্যাগ করা হয় তাহলে বাঁকুড়া জেলায় আর কোন স্থানে এটা করবার পরিকল্পনা তাঁরা করেছেন কিনা?

Mr. S. A. SALIM: The construction of a colony at Gouripur is already under examination.

UNSTARRED QUESTION

(answers to which were laid on the table)

Irrigation measures for growing of boro crops in Tippera district.

91. Mr. DHIRENDRA NATH DUTTA: (*a*) Is the Hon'ble Minister in charge of the Irrigation Department aware that in the district of Tippera in the subdivision Brahmanbaria a large area of land remains uncultivated on account of the fact that *boro* crop cannot be grown there due to want of water and that deep water paddy cannot be grown for high water as well as destruction of crop by water-hyacinth?

(*b*) If the answer to clause (*a*) is in the affirmative, is the Hon'ble Minister aware that if irrigation canal can be dug *boro* crops can be grown thereon?

(*c*) If the answer to clause (*b*) is in the affirmative, do the Government consider the desirability of constructing irrigation canals or in some place irrigation tanks for irrigating *boro* crops?

MINISTER in charge of the IRRIGATION DEPARTMENT (the Hon'ble Mr. Tarak Nath Mukherjea): (*a*) and (*b*) *Boro* is extensively grown in Brahmanbaria subdivision but in some areas its cultivation could be extended with better irrigation facilities. In some areas water-hyacinth causes considerable damage.

(*c*) Yes, where feasible. Scope of tank irrigation is very limited.

Mr. BADIUZZAMAN MUHAMMAD ILIAS: Is the Hon'ble Minister aware that due to this water-hyacinth a large quantity of crop fails every year?

The Hon'ble Mr. TARAK NATH MUKHERJEA: As I have already stated that is a fact.

Mr. BADIUZZAMAN MUHAMMAD ILIAS: Will the Hon'ble Minister be pleased to state whether Government has not got any scheme to destroy water-hyacinth?

The Hon'ble Mr. TARAK NATH MUKHERJEA: To destroy water-hyacinth is a matter for the Agriculture Department and I understand the matter is under their consideration.

Mr. MUHAMMAD ISRAIL: Is the Hon'ble Minister aware that an Act was passed by Government to eradicate water-hyacinth and whether they are going to enforce the Act as passed by the Legislature?

The Hon'ble Mr. TARAK NATH MUKHERJEA: Again it is a matter for the Agriculture Department; it is not for me to answer.

Mr. MIHIR LAL CHATTOPADHYAYA: In view of the answer given by the Hon'ble Minister in (*c*) that scope of tank irrigation work is very limited, is the Minister aware that scope of tank irrigation work is very much limited in East Bengal?

The Hon'ble Mr. TARAK NATH MUKHERJEA: In answer to this particular question I have said that the scope of tank irrigation is very limited.

Mr. MIHIR LAL CHATTOPADHYAYA: I would like to know whether the Minister is aware that scope of tank irrigation work is very much limited in East Bengal. I am putting this question in view of the fact that Government has stopped tank irrigation work for the whole of Bengal. By that East Bengal has not been affected, it is West Bengal that has been affected and to that end I am putting the question.

Mr. DEPUTY SPEAKER: This question refers to Tippera district and your question refers to the whole of Bengal.

Mr. MUHAMMAD ISRAIL: Will the Hon'ble Minister be pleased to state who has supplied the information that the scope of irrigation is very limited—is it the departmental answer?

The Hon'ble Mr. TARAK NATH MUKHERJEA: It is the opinion of the departmental experts.

Mr. MUHAMMAD HABIBULLAH CHAUDHURY: Will the Hon'ble Minister be pleased to state how many irrigation canal schemes in Brahmanbaria subdivision are considered by him to be feasible?

The Hon'ble Mr. TARAK NATH MUKHERJEA: I am not aware, I want notice.

Mr. AMULYA CHANDRA ADHIKARI: Will the Hon'ble Minister be pleased to state if he is aware of the fact that the construction of an embankment is necessary on the north side of the Brahmanbaria subdivision to protect *boro* crops?

The Hon'ble Mr. TARAK NATH MUKHERJEA: I suggest this question does not arise. I want notice.

Mr. DHIRENDRA NATH DATTA: Will the Hon'ble Minister please tell us if any irrigation canal has been excavated for the purpose of developing the *boro* crop in the year 1945-46?

The Hon'ble Mr. TARAK NATH MUKHERJEA: I cannot say off-hand. I want notice

Mr. MUHAMMAD ISRAIL: Will the Hon'ble Minister be pleased to state whether they have experimented the irrigation canal system or tank system in the areas mentioned in the question or they have made any experiments at all within Brahmanbaria subdivision?

The Hon'ble Mr. TARAK NATH MUKHERJEA: I want notice.

Mr. MUHAMMAD HABIBULLAH CHAUDHURY: With reference to question (*c*) "do the Government consider the desirability of constructing irrigation canals", the answer is "Yes, where feasible". Will the Hon'ble Minister give us some definite figures and definite idea as to how many of the canal schemes he considers to be possible and feasible?

The Hon'ble Mr. TARAK NATH MUKHERJEA: The matter is under investigation and if the honourable member wants details I will be too glad to supply that.

Mr. MUHAMMAD ISRAIL: Will the Hon'ble Minister be pleased to state whether these things can be taken as minor irrigation projects that were launched by Government some two years ago or last year?

The Hon'ble Mr. TARAK NATH MUKHERJEA: Probably some can be taken.

Mr. DHIRENDRA NATH DATTA: Will the Hon'ble Minister be pleased to state when the investigation has begun and how long the matter will remain under investigation?

The Hon'ble Mr. TARAK NATH MUKHERJEA: I cannot say that offhand when the investigation began, but I can assure the honourable member that it will be very much expedited.

Mr. MUHAMMAD HABIBULLAH CHAUDHURY: Will the Hon'ble Minister be pleased to state how many irrigation schemes are under the consideration of Government in Chittagong Division?

The Hon'ble Mr. TARAK NATH MUKHERJEA: I submit, Sir, that this question does not arise out of the main question.

Maintenance of tube-wells in rural areas.

92. Mr. SHYAMAPADA BHATTACHARJI: Will the Hon'ble Minister in charge of the Health Department be pleased to state—

(*a*) whether it is a fact that tube-well mechanics have been appointed by the Public Health Department of Government to repair and resink the derelict tube-wells in the rural areas of Bengal;

(*b*) if so, what are their total number;

(*c*) how many such tube-wells have been put in order since their appointment (to be shown district by district);

(*d*) whether they are responsible to any authority in the district; and

(*e*) whether they are to submit any report of their activities to any authority of the district?

The Hon'ble Mr. MOHAMMED ALI: (*a*) Yes.

(*b*) Two hundred and eight.

(*c*) A statement is laid on the Table.

(*d*) They are under the direct control of Chief Engineer, Public Health, Bengal, but work in co-operation with District Officers.

(*e*) Yes, to Subdivisional Officers.

Statement referred to in reply to clause (c) of unstarred question No. 92.

	Nos.
(1) 24-Parganas	2,473
(2) Khulna	1,551
(3) Jessore	3,166
(4) Nadia	1,642
(5) Murshidabad	1,060
(6) Howrah	1,080
(7) Hooghly	3,447
(8) Burdwan	2,460
(9) Midnapore	1,756
(10) Birbhum	322
(11) Bankura	142
(12) Dacca	1,302
(13) Faridpur	4,304
(14) Mymensingh	1,433
(15) Bakarganj	146
(16) Chittagong	250
(17) Pabna	87
(18) Bogra	171
(19) Malda	21

Mr. AMULYA CHANDRA ADHIKARI: Will the Hon'ble Minister be pleased to state how long will it take for Government to complete the work of repairing and resinking the tube wells where they are out of order?

Mr. S. A. SALIM: Government has got a scheme of repairing tube wells and the matter will take five years.

Mr. AMULYA CHANDRA ADHIKHARI: Is the Hon'ble Minister aware that the existing number of tube wells is quite inadequate to meet the needs of the people of this province?

Mr. S. A. SALIM: The question refers to the repair of tube wells and not to the existing number of tube wells.

Mr. BIMAL CHANDRA SINHA: Will the Hon'ble Minister be pleased to state the day when this work of repairing was begun as also the total number of tube wells apart from the total number repaired?

Mr. S. A. SALIM: I have already given a statement which refers to the number of tube wells repaired district by district.

Mr. BIMAL CHANDRA SINHA: Sir, my question has not been answered. The Hon'ble Minister has laid a statement giving the number of tube wells already repaired. I want to know how many tube wells there are overall and from when this scheme of putting them under repair has been started.

Mr. S. A. SALIM: I want notice.

Mr. BADIUZZAMAN MUHAMMAD ILIAS: With reference to serial No. 18 of the statement, is Government aware that over and above this number there are a large number of tube wells which are lying out of order?

Mr. S. A. SALIM: May be so.

Mr. BADIUZZAMAN MUHAMMAD ILIAS: Does the Hon'ble Minister consider the desirability of enquiring into this and asking his men to repair them at once?

Mr. S. A. SALIM: Yes, Sir.

Mr. MUHAMMAD HABIBULLAH CHAUDHURY: Will the Hon'ble Minister be pleased to state why not a single tube well has been put in order in Noakhali and Tippera?

Mr. S. A. SALIM: I want notice.

Mrs. NELLIE SEN GUPTA: Is the Hon'ble Minister aware that many of the tube wells in the Chittagong district have not been built to be used and many have never been used from last year?

Mr. S. A. SALIM: As far as Chittagong district is concerned, only 250 tube wells have been repaired. There may be many more.

Mrs. NELLIE SEN GUPTA: Is the Hon'ble Minister aware that many of these tube wells were not properly built and have never been used?

Mr. S. A. SALIM: I want notice.

Mr. MD. OSMAN GANI: Is the Hon'ble Minister aware that no steps are taken by Government after the construction of tube wells?

Mr. S. A. SALIM: Tube wells are sunk sometimes by district boards, sometimes by union boards and sometimes by Government. After tube wells are sunk, Government took no steps for repairing them. Recently Government has got a plan for repairing tube wells in Bengal. At the present moment as far as repairing tube wells is concerned, it will be done by the district board concerned.

Mr. DHIRENDRA NATH DATTA: Will the Hon'ble Minister be pleased to state if any tube well mechanic has been appointed in the district of Tippera?

Mr. S. A. SALIM: I want notice, because it may be that the district board of Tippera may have been repairing the tube wells and not Government.

Mr. NAWAJESH AHMED: Will the Hon'ble Minister be pleased to state under whose direct control tube well mechanics work?

Mr. S. A. SALIM: At first the department used to have tube wells repaired, and now under a scheme a number of tube wells were repaired under the supervision of the Director of Public Health with the co-operation of local officers and officers of the district board.

Mr. DHIRENDRA NATH DATTA: Is it a fact that when a district board is repairing the tube wells, no mechanics are appointed by Government?

Mr. S. A. SALIM: Yes, Sir.

Mr. DHIRENDRA NATH DATTA: Will the Hon'ble Minister be pleased to state in how many districts the district board has undertaken the task?

Mr. S. A. SALIM: I want notice.

Mr. DHIRENDRA NATH DATTA: Will the Hon'ble Minister be pleased to tell us whether any report is taken from the district board as to how many tube wells have been sunk or repaired?

Mr. S. A. SALIM: The report of the district board has not been received as yet.

Mr. MD. ABDUS SALAM: Will the Hon'ble Minister be pleased to state why the Tippera District Board has been omitted?

Mr. S. A. SALIM: Because the repair there must have been done by the district board instead of by Government.

Mr. BADIUZZAMAN MUHAMMAD ILIAS: Will the Hon'ble Minister be pleased to state whether the work of repairing tube wells is being done in co-operation with the district board authorities?

Mr. S. A. SALIM: Yes, Sir.

Mr. MUHAMMAD HABIBULLAH CHAUDHURY: Will the Hon'ble Minister be pleased to state whether putting in order of tube wells depends upon *tadbir* made by Chairmen, district boards as we find that 4,304 tube wells have been repaired in the Faridpur district whereas in other districts the number is much smaller?

Mr. S. A. SALIM: No, Sir.

Mr. BIJOY KRISHNA SARKAR: Is the Hon'ble Minister aware that many tube wells are out of order in Jessore district and cholera has broken out in that district, so that the tube wells should be immediately repaired? Will Government take steps to do that?

Mr. S. A. SALIM: May I point out that in Jessore 3,166 tube wells have been repaired?

Mr. BIJOY KRISHNA SARKAR: Will the Hon'ble Minister be pleased to state how many tube wells are out of order in Jessore district?

Mr. S. A. SALIM: I want notice for that.

Mr. SURESH CHANDRA DAS GUPTA : মাননীয় মন্ত্রীমহাশয় অনুগ্রহ করে বলবেন কি যে বাংলায় ২৬টি জেলায় যদি ২০৮ জন mechanic থাকে তাহলে প্রতি জেলায় ৬০ জনেরও কম পড়ে। সুতরাং তাদের পক্ষে এত বিস্তৃত স্থানে সমস্ত tubewell সময়মত সারান সম্ভবপর কিনা?

Mr. S. A. SALIM: I have already explained that. At first it was decided that tube wells would be repaired by Government. Now they are taking the co-operation of district boards, and tube wells are repaired by district boards themselves and Government will make the contribution.

Mr. NAWAJESH AHMED: Is the Hon'ble Minister aware that tube well mechanics never consult district boards?

Mr. S. A. SALIM: They work in co-operation with district boards.

Mr. MUHAMMAD HABIBULLAH CHAUDHURY: Will the Hon'ble Minister be pleased to give the total number of tube wells in the province?

Mr. S. A. SALIM: I want notice.

Mr. SURESH CHANDRA DAS GUPTA : তাহলে মাননীয় মন্ত্রীমহাশয় বলবেন কি এই ২০৮ জনের বেশী যারা tubewell সারান কাজ করছে তাদের number কত হবে?

Mr. S. A. SALIM: I have already stated that. Now tube wells are going to be repaired by district boards.

Mr. CHARU CHANDRA BHANDARI: Will the Hon'ble Minister be pleased to state what steps have been taken to make it known to the owners of tube wells where tube wells are working?

Mr. S. A. SALIM: In this connection may I say that previously the scheme was put into operation and mechanics used to go to the district board Engineer and Sanitary Inspectors used to go with them to the rounds, and Presidents, union boards, who used to know where the tube wells are working and where they are not working.

Mr. BENODE CHANDRA CHAKRABORTY: Will the Hon'ble Minister be pleased to state if these appointments are permanent?

Mr. S. A. SALIM: I have already stated that it is only a temporary measure.

Mr. MIRZA ABDUL HAFIZ: Will the Hon'ble Minister be pleased to state, in view of the fact that the present number of tube wells in the different districts is hopelessly inadequate and insufficient with respect to population, whether Government considers the desirability of adopting a comprehensive scheme to sink tube wells throughout the whole province in the different districts?

Mr. S. A. SALIM: I have already stated that Government has got a scheme for repairing tube wells and a grant has been made of a sum of Rs.10 lakhs, and the whole scheme has been handed over, so far as tube wells are concerned, to district boards to repair tube wells on behalf of Government.

Mr. MUHAMMAD ISRAIL: Will the Hon'ble Minister be pleased to state whether the mechanics appointed by Government have been placed under the district board?

Mr. S. A. SALIM: I do not think so.

Mr. DEPUTY SPEAKER: Questions over.

Alleged letter of threat to an M.L.A.

Mr. NIHARENDU DUTT-MAZUMDAR: May I, Sir, crave your indulgence to bring to the notice of this House and of yourself a rather serious matter involving a threat on the life of an honourable member of this

House by some followers of the party in power and of the present Government. Here, Sir, is a copy of the letter issued which involves a threat on the life of an honourable member in the following terms:—

"S. S. Headquarters hereby request you that you immediately stop propaganda in support of Bengal partition. Bengal must be——(Loud noise from the Muslim League Benches.)

Mr. MUHAMMAD HABIBULLAH CHAUDHURY: On a point of order, Sir. The honourable member is not the leader of the party. He is reading out a letter containing misstatement of facts.

(Interruptions.)

Mr. DEPUTY SPEAKER: Order, order.

Mr. NIHARENDU DUTT-MAZUMDAR: Sir, I hope the honourable member will have patience unless he is an accomplice himself. (Loud noise and clapping on benches by members of the Muslim League party.)

(VOICES FROM THE OPPOSITION: Let him read out the letter.)

Mr. NIHARENDU DUTT-MAZUMDAR: The letter runs thus—"Bengal must be an independent sovereign and United State wherein there will be no distinction of the class, creed and religion but this independent State must be called (loud noise) Azad Pakistan and the Muslims by virtue of their numerical strength will be the dominant power——(VOICES FROM THE GOVERNMENT BENCHES: He cannot go on reading a fabricated thing.) (VOICES FROM THE OPPOSITION BENCHES: He must be allowed to go on.)

Mr. DEPUTY SPEAKER: Mr. Dutt-Mazumdar, will you please resume your seat? (Mr. Dutt-Mazumdar did not resume his seat but continued reading out the letter in the midst of loud uproar and noise from both sides of the House. He was not audible from the reporters' table.)

Order, order. Mr. Dutt-Mazumdar, I have been using my hammer and repeatedly asking you to resume your seat but you are not listening to me.

Mr. NIHARENDU DUTT-MAZUMDAR: Sir, there was so much noise in the House that it was impossible to divert my attention to you. There is no reason why members on the other side should be so much perturbed over a matter like this. I do not think any honourable member of that side is an honourable accomplice in that thing.

Mr. DEPUTY SPEAKER: Order, order. Will you please resume your seat, Mr. Dutt-Mazumdar?

Mr. NIHARENDU DUTT-MAZUMDAR: Sir,——

Mr. ABDUL MOMIN: Sir, the honourable member has not the courtesy of obeying the Chair.

Mr. DEPUTY SPEAKER: This is not a matter for so much agitation. I would ask the Press not to take down what has been read out by Mr. Dutt-Mazumdar and I order that this matter shall not go into the proceedings.

Mr. NIHARENDU DUTT-MAZUMDAR: Sir, I craved your indulgence to bring to the notice of the House a letter involving a threat on the life of an honourable member and you, Sir, did not interrupt me.

Mr. DEPUTY SPEAKER: Please resume your seat. It is no use pursuing the matter further. I will not allow any discussion.

Mr. NIHARENDU DUTT-MAZUMDAR: Do you not realise, Sir, that there are arguments which deserve consideration?

Mr. DEPUTY SPEAKER: Do you not think, Mr. Dutt-Mazumdar, that there are arguments which may be advanced against you also or you think only of your own arguments?

Mr. NIHARENDU DUTT-MAZUMDAR: I did not place any arguments. I was just reading out a letter which contained a threat——

Mr. DEPUTY SPEAKER: It is open to the other side to say that it was a manufactured thing. I do not know what useful purpose will be served by reading out a letter of this type on the floor of this House. If you really thought that it was a genuine letter it was your duty first, to bring the matter to the notice of the Commissioner of Police or if you wanted to go still higher you might show it to the Hon'ble Chief Minister. If you did not get any remedy there then it was up to you to bring the matter before the House through the leader of your party. Instead of doing all this you chose a course which was not justified. There should not be any more discussion over it. The matter is closed.

Mr. NIHARENDU DUTT-MAZUMDAR: Sir, it is a matter of privilege to make a submission to the Speaker with the Speaker's consent or to crave his indulgence. If the Speaker or the person presiding for the time being has any objection—it is entirely a matter for his discretion—and on the Speaker objecting the honourable member may not persist. But, Sir, when permission on any matter of privilege is sought and if with the Speaker's consent it is brought before the House and if the Speaker does not object, then I believe it is the right of every member not to allow himself to be stampeded by howls from any side of the House. If there is no objection it is the Speaker's duty to point out as has often been the custom that the matter may be proceeded with.

Mr. DEPUTY SPEAKER: Mr. Dutt-Mazumdar, it is not necessary for you to make a submission on any matter of privilege. I have understood your point. But you said that unless he was an accomplice he should not have objected. That was an unparliamentary expression and I could have asked you to withdraw that expression but I did not do so as I did not want the proceedings of the House to be bitter. But you are pursuing a matter which I have closed.

Mr. NIHARENDU DUTT-MAZUMDAR: Sir, you did not object before. If any member before hearing what it was jumps up and raises objection that gives cause for grave suspicion. You did not object and when you did not object I do not think anybody else should reserve to himself your functions.

Mr. DEPUTY SPEAKER: Please resume your seat. The matter is closed. (Mr. Dutt-Mazumdar then resumed his seat.)

GOVERNMENT BILL.

The Bengal Non-Agricultural Tenancy Bill, 1946

Clause 7.

Mr. MAFIZUDDIN AHMED: Sir, I beg to move that in clause 7(*1*), lines 9 and 10, the words "and other matters" be omitted.

Mr. BIMAL CHANDRA SINHA: On a point of order, Sir. I want to clarify one matter. When that amendment has not been moved by the original mover is it for any other member of the Government side to move it and secondly whether it should be treated as a short-notice amendment or a mere amendment.

Mr. MAFIZUDDIN AHMED: Sir, I moved it as a short-notice amendment.

Mr. BIMAL CHANDRA SINHA: In that case permission of the Chair ought to have been asked.

Mr. DEPUTY SPEAKER: Yes, he was technically wrong. He ought to have sought my permission.

Mr. MAFIZUDDIN AHMED: I sought your permission, Sir.

Mr. DEPUTY SPEAKER: But before I gave permission you moved the amendment.

Mr. MAFIZUDDIN AHMED: I move it again, Sir. I beg to move as a short-notice amendment that in clause 7(*1*), lines 9 and 10, the words "and other matters" be omitted.

Mr. DHIRENDRA NATH DATTA: Mr. Deputy Speaker, Sir, with regard to amendment No. 85 I want to place some facts before you. In this case my submission before you is that you will be pleased to allow me to move this amendment No. 85 along with my amendment No. 96 under clause 8. This amendment No. 85 follows consequentially if I move amendment No. 96; otherwise not. So I want to move amendment No. 96 first and I would ask you to take clauses 7 and 8 together.

Mr. DEPUTY SPEAKER: Clause 8 comes after clause 7 and is next to it. Does it make any difference if you move amendment No. 85 now?

Mr. DHIRENDRA NATH DATTA: If they are taken together I can explain what I intend to say with regard to amendment No. 96, and then this amendment No. 85 can be accepted as a consequential measure.

Mr. Deputy Speaker, I want to move both the amendments together. First of all I shall have to explain what I intend to say under amendment No. 96, and I shall then explain if this amendment No. 96 is moved, how the consequential amendment No. 85 comes. So I intend to move both the amendments together so that they may be put together in the House.

The Hon'ble Mr. FAZLUR RAHMAN: What I want to say is that amendments 85 and 96 need not be moved together. But Mr. Datta may refer to amendment No. 96 which he wants to move in connection with clause 8 while speaking on amendment No. 85 under clause 7. But let us now confine ourselves to clause 7.

Mr. DEPUTY SPEAKER: Yes, I would follow that procedure and that, I think, means no substantial difference.

Mr. DHIRENDRA NATH DATTA: Mr. Deputy Speaker, Sir, it seems to me that there is a great iniquity in clause 8, as it stands. Perhaps it has escaped the attention of Government. Clause 8 deals with classes of tenants who are in occupation for less than 12 years, and the intention of Government is to evict——

The Hon'ble Mr. FAZLUR RAHMAN: Mr. Datta, are you moving your amendment No. 85?

Mr. DHIRENDRA NATH DATTA: Yes, I am moving amendment No. 85.

Sir, I beg to move that after clause 7(*2*), the following sub-clause be inserted, namely:—

"(*2a*) In determining a fair and equitable rent under sub-section (*2*) the court shall, subject to such other provision as may be prescribed in this behalf, take into consideration—

(*a*) the existing rent and the period during which it has remained without enhancement,

(*b*) as far as can expediently be ascertained the rent paid to the landlords for non-agricultural lands in the vicinities with similar advantages or of a similar description,

(*c*) the present market value of the land and the difference in the market value from the time when the land was leased with the present value and the rent which would be payable if the rate was fixed at not more than four per centum of such market value,

(*d*) any cost incurred by the landlord or the tenant in making any improvement to or on the land comprised in the tenancy."

Mr. Deputy Speaker, Sir, this amendment has become necessary because I have put in an amendment (No. 96) to clause 8. As it appears from clause 8, it deals with those classes of tenants who are in occupation of lands for less than 12 years and the intention of Government is to evict such tenants on certain grounds. Sir, there are two classes of tenants. There are tenants who are in occupation of lands for more than twelve years and there the intention of Government is to give them a permanent right and not to evict them. Then there are tenants who are in occupation of lands for less than twelve years and there the intention of Government is to evict them. Then, Sir, persons in occupation for more than twelve years may be in such occupation with or without any written lease. As I read clause 8 of the Bill it seems to me that a person who is in occupation of a land for, say, two years but without any lease cannot be evicted. It appears from the clause itself that unless he has used such land in a manner which renders it unfit for use for any of the purposes specified in section 3A, he cannot be evicted. But a person who is in occupation of land under a registered lease can be evicted on the expiry of his lease. So a person who is in occupation for less than eight years or even for less than two years without any lease or any other document in writing is placed in a better position than a person who is in occupation of land under a registered lease. His position is equivalent to the position of a tenant who is in occupation for more than twelve years. If you refer to clause 6 which has already been passed you will find that a person who is in occupation for more than 12 years can be evicted only on the ground that he has used the land in a manner which renders it unfit for use for any of the purposes specified in section 3A. Similarly, Sir, if you refer to clause 8 you will find that a person who is in occupation of a land for less than 12 years can be evicted on the same ground that he has used the land in a manner which makes it unfit for use for any of the purposes specified in section 3A. So a person who has been in occupation for less than twelve years stands on the same footing with a person who has been in occupation for more than twelve years. That, I submit, Sir, cannot be the intention of Government. The Government's intention should be that a person who has been in occupation for less than twelve years is liable to eviction as such a person can be evicted now under the Transfer of Property Act. It seems to me, however, that in drafting this clause a mistake has been made. So I want to put in amendment No. 96 to clause 8, and I want to place both the classes of tenants—tenants without any document in writing and tenants with a document in writing for less than twelve years on the same footing. I want to put in a provision by which such persons can be evicted on certain grounds and these grounds have been mentioned in amendment No. 96. I say that they can be evicted if they refuse to pay the *salami* that had been agreed upon between the landlord and the tenant. They can be evicted if they refuse to pay arrears of rent and also if they refuse to pay a fair and equitable rent that may be agreed upon between the landlord and the tenant or determined by a court of law or if they use the land in a manner which renders it unfit for the purposes of the tenancy. On the same ground I have also put in this amendment No. 85 for determining a fair and equitable rent and laying out the procedure as to how that rent can be determined. If the court is to determine the procedure, the court shall have to follow the procedure mentioned in amendment No. 85. So these amendments 96 and 85 stand on the same

footing and one is the consequence of the other. I want to draw the attention of the Government to the point that clause 8 has been so badly drafted that the intention of Government has not been clearly expressed for it cannot be the intention of Government that a person in occupation of land without a document will be placed on a better footing than a person with a document in writing. So I submit that these two amendments of mine be considered together. If, however, Government is not prepared to accept my amendments I want to move, with your permission, Sir, a short-notice amendment that such and such person should be liable to eviction on the grounds mentioned in section 111 of the Transfer of Property Act.

Mr. Deputy Speaker, Sir, at present you know how the lease is determined. Lease is determined under section 111 of the Transfer of Property Act. Lease is determined on the expiration of a notice to determine and this notice is, as you know, in the case of section 106 of the Transfer of Property Act, either 15 days' notice or 6 months' notice—in certain cases it is 15 days and in certain other cases it is 6 months. My intention is that it must be placed on the same footing. If they have to be evicted, they have to be served with a notice in writing and the notice should not be for less than 6 months. Sir, you know that with regard to the period of notice, a large number of cases have cropped up. I want to say that it should be omitted and the period should be given. So, in my amendment No. 96 I have stated "Provided further that it shall not be lawful for the landlord to eject the tenant except after having given him a notice the period of which shall in no case be less than six months".

The Hon'ble Mr. FAZLUR RAHMAN: How is it connected with amendment No. 85 which is for determining fair rent and amendment No. 96 is an eviction clause?

Mr. DHIRENDRA NATH DATTA: Because in amendment No. 96 I have given a condition that on the ground that he has refused to agree to pay a fair and equitable rent as determined under section 7. That is one of the grounds and that is the ground which has been inserted under the Bengal Tenancy Act in respect of the under-*raiyat*. In respect of the under-*raiyat* that is one of the grounds—if he fails to pay an arrear of rent, if he fails to pay fair and equitable rent determined under the Bengal Tenancy Act.

Mr. FAZLUR RAHMAN (Mymensingh): Your amendment is going to curtail the right.

Mr. DHIRENDRA NATH DATTA: No, my amendment is going to extend the right. You are mistaken. I want to say that a person who is in possession for less than 12 years can be evicted on certain grounds, but the intention of the Government seems to be that he can be evicted without any ground by service of notice.

The Hon'ble Mr. FAZLUR RAHMAN: We will deal with that when we come to the eviction clause.

Mr. DHIRENDRA NATH DATTA: I want to say that a person who is really in possession for less than 12 years can only be evicted on certain grounds and one of the grounds is—if he fails to pay fair and equitable rent as determined by the court which shall in no case be more than ten per centum of the market value of the land. Then and then only he will be liable to eviction. That is not your proposition. His position will be equivalent to the position of a person who has been holding for more than 12 years.

Mr. FAZLUR RAHMAN (Mymensingh): Almost.

Mr. DHIRENDRA NATH DATTA: But in clause 8 you have put in a direction in the case of a person who is in possession under a registered lease—under a document in writing. You have stated that in such a case,

on the expiration of the term of the lease, he is liable to be evicted. So, a person who is in possession for 10 years under a written document is in a better position than a person who is in possession under a document for 12 years.

The Hon'ble Mr. FAZLUR RAHMAN: When we consider the eviction clause, we will consider that.

Mr. DHIRENDRA NATH DATTA: In amendment No. 96 under clause 8 I have put in that failure to pay fair and equitable rent will be one of the grounds for eviction.

The Hon'ble Mr. FAZLUR RAHMAN: Nobody will agree to that.

Mr. DHIRENDRA NATH DATTA: Failure to pay fair and equitable rent cannot be considered a ground for eviction in the case of a tenant who is in possession for less than 12 years—failure to pay such fair and equitable rent as determined by the court or agreed upon between the landlord and tenant cannot be a ground for eviction. For that purpose I want to put in amendment No. 85.

Mr. SURESH CHANDRA DAS GUPTA: Sir, I beg to move that in clause 7(3), in item (b), lines 3 and 4, the words "under the terms of a contract between himself and his landlord" be omitted.

মিঃ স্পীকার, স্যার, গতকল্য আমি এই রকম একটা প্রস্তাব দিয়াছিলাম, কিন্তু সেটা move করা দরকার হয় নাই কারণ ধীরেন বাবুর এই ধরণের একটা প্রস্তাব থাকায়, কিন্তু শেষকালে তিনি এই প্রস্তাব withdraw করেছিলেন। কিন্তু সমস্ত প্রজাদের সম্বন্ধে এই একই কথা হবে তাদের এই বিধান মতে উচ্ছেদ হতে হবে, এছাড়া অন্য কোন contract করা চলবে না। কাজেই যেখানে যেখানে এই কথাটা আছে সেখানে সেখানে এটা উঠিয়ে দেওয়া দরকার। সমস্ত প্রজাদের যাতে এই right দেওয়া হয় সেই জন্য আমি এই প্রস্তাব করছি, আশা করি আমার প্রস্তাব গ্রহণ করে নেবেন। গতকল্য আমার প্রস্তাবটা গ্রহণ করেননি কারণ, ধীরেন বাবুর প্রস্তাবে এটা include ছিল বলে।

The Hon'ble Mr. FAZLUR RAHMAN: Sir, I think amendment No. 90 is out of order as it is dependent upon amendment No. 82 which has been rejected by the House.

Mr. SURESH CHANDRA DAS GUPTA : আমার amendment টিতে আমি প্রস্তাব করেছি "under the terms of a contract between himself and his landlord" be omitted. কাজেই এই special contract কথাটি ধীরেন বাবুর প্রস্তাবের মধ্যে include ছিল বলে এটা গ্রহণ হয়নি। কিন্তু আজ ধীরেন বাবুর যে প্রস্তাব তাতে এ বিষয়ের উল্লেখ নেই। সুতরাং যদি ঐ প্রজাদের special right দেওয়া হয়ে থাকে তাহলে অন্য প্রজাদেরও ঐ right দিতে হবে, কারণ special contract করে ঐ right করা যাবে না।

The Hon'ble Mr. FAZLUR RAHMAN: All right.

Mr. MAFIZUDDIN AHMED: Sir, I beg your leave to move short-notice amendments.

I beg to move that in clause 7(3)(a), line 4, the word "or" be omitted.

I also beg to move that in clause 7(3), (h) be omitted.

Mr. DHIRENDRA NATH DATTA: Sir, it is impossible to follow how this clause will stand if this amendment be accepted. May I know what is going to be omitted in clause 7(3)(a)?

Mr. MAFIZUDDIN AHMED: Only the word "or"—the last word to be omitted.

Mr. DHIRENDRA NATH DATTA: I am sorry I see no objection. I thought it was "for".

Mr. GANENDRA CHANDRA BHATTACHARJEE: Sir, I beg to move that after clause 7(3)(b), the following be inserted, namely:—

"(c) that the landlord or landlords need it for his or their own homestead residential purposes provided that the same land is not held by the tenant for the purposes specified in clause (a) of section 3A".

স্যার, প্রজাদের উচ্ছেদ সম্বন্ধে এখানে যে ব্যবস্থা আছে "for the purposes specified in clause (a) of Section 3A" তার amendmentগুলি যদি গ্রহণ করা হয়, তাহ'লে section 3Aএর যে purpose আছে তা লঙ্ঘন করে তার একমাত্র স্বত্ব থেকে তাকে উচ্ছেদ করা হবে। আমি বলতে চাই যে এমন অনেক landlord আছে যার নিজের কোন বসতবাটী নাই এবং প্রজার মত তার যদি কোন নিষ্কর বসতবাটী থাকতো তাহলে তাকে উচ্ছেদ করা যেতে পারত না। সেই জন্য যে provision আছে "for the purposes specified in clause (a) of section 3A" সেই sectionএর (a) clauseএ আছে যে homestead থেকে তাকে উচ্ছেদ করা যাবে না। কিন্তু যদি homestead রূপে ব্যবহার না করে অন্য কোন অবস্থায় জায়গা ব্যবহার করে তাহলে তাকে উচ্ছেদ করা যেতে পারে। সুতরাং আমার মনে হয় যে আমার প্রস্তাব গ্রহণ করলে, যে সমস্ত landlordএর নিজের বসতবাটী নাই তাদের ন্যায্য অধিকার দেওয়া হবে এবং এতে কারও কোন প্রকার অসুবিধা হবে না।

The Hon'ble Mr. FAZLUR RAHMAN: I accept the amendment moved by Mr. Mafizuddin Ahmed—amendment No. 84

With regard to amendment No. 85 moved by Mr. Dhirendra Nath Datta I oppose this motion. I will refer him to section 13A, clause (3) read with section 61. This will cover his amendment. In his amendment all the conditions are substantially the same as in section 13A, clause (3) read with section 61.

As regards amendment No. 90 moved by Mr. Suresh Chandra Das Gupta I oppose it in view of the fact that a more comprehensive amendment on the same line has been moved by the Chief Whip.

I oppose amendment No. 94 moved by Mr. Ganendra Chandra Bhattacharyya on the ground that if this amendment be accepted, the tenant will have no remedy. Any landlord in that case can come and say that he will require the land for his residential purpose, and in that case the tenant may be evicted.

The motion of Mr. Mafizuddin Ahmed that in clause 7(1), lines 9 and 10, the words "and other matters" be omitted was then put and agreed to.

The motion of Mr. Dhirendra Nath Datta that after clause 7(2), the following sub-clause be inserted, namely:—

"(2a) In determining a fair and equitable rent under sub-section (2) the court shall subject to such other provision as may be prescribed in this behalf take into consideration—

(a) the existing rent and the period during which it has remained without enhancement,

(b) as far as can expediently be ascertained the rent paid to the landlords for non-agricultural lands in the vicinities with similar advantages or of a similar description,

(c) the present market value of the land and the difference in the market value from the time when the land was leased with the present value and the rent which would be payable if the rate was fixed at not more than four per centum of such market value,

(d) any cost incurred by the landlord or the tenant in making any improvement to or on the land comprised in the tenancy."

was then put and lost.

The motion of Mr. Suresh Chandra Das Gupta that in clause 7(3), in item (b), lines 3 and 4, the words "under the terms of a contract between himself and his landlord" be omitted, was then put and lost.

The short-notice amendment of Mr. Mafizuddin Ahmed that in clause 7(3)(a), line 4, the word "or" be omitted, was then put and agreed to.

Another short-notice amendment of Mr. Mafizuddin Ahmed that in clause 7(3), (b) be omitted, was then put and agreed to.

The motion of Mr. Ganendra Chandra Bhattacharyya that after clause 7(3)(b) the following be inserted, namely:—

"(c) that the landlord or landlords need it for his or their own homestead residential purposes provided that the same land is not held by the tenant for the purposes specified in clause (a) of section 3A",

was then put and lost.

The question that clause 7, as amended, stand part of the Bill, was then put and agreed to

Clause 8.

Mr. DHIRENDRA NATH DATTA: Sir, I beg to move that for clause 8, the following be substituted, namely:—

"8 Notwithstanding anything contained in any other law for the time being in force or in any contract if any non-agricultural land has been held for a term of more than one year but less than twelve years then a non-agricultural tenant holding such land shall be liable to ejectment on one or more of the following grounds and not otherwise, namely:

(i) on the ground that he failed to pay an arrear of rent due to the landlord in respect of the land comprised in the tenancy;

(ii) on the ground that he used the land in a manner which renders it unfit for the purposes of the tenancy or that he has broken a condition consistent with this Act and on the breach of which he is under the terms of a contract between himself and his landlord liable to be ejected;

(iii) on the ground that he has refused to agree to pay a fair and equitable rent as determined under section 13A;

(iv) on the ground that he has failed to pay the *salami* as may be agreed upon between the landlord and tenant or if they do not agree as may be determined by the court on the application of the landlord or such tenant:

Provided that the amount of *salami* shall in no case exceed ten *per centum* of the market value of the land:

Provided further that it shall not be lawful for the landlord to eject the tenant except after having given him a notice the period of which shall in no case be less than six months."

Sir, what my intention is in moving this amendment I have already said while moving amendment No. 85. I need not repeat them here. What Government intends to have by clause 8? It seems to me that it is clear that if clause 8, as it stands at present, be accepted, it will be an iniquitous and inequitable provision. A person who will be in possession without a lease in writing for less than twelve years will be in a better position than a person in possession for ten years with a document and for more than hundred years. If you look at clause 6, what it is? Clause 6 lays down that a person who is in possession for more than 12 years will not be liable to be ejected except on the ground that he has used the land in a manner which renders it unfit for the purposes of the tenancy. But there is no provision for a notice. Here a person who is in possession for even one year, or even two years without any document as a lessee, is liable to be evicted

just on the same ground that he has used the land in such a manner which renders it unfit for the purposes of the tenancy, but he will be entitled to notice, which will be for a period not less than six months. So he stands in a better position than a person who is in possession for hundred years; whose origin is unknown but certainly stands in a better position than the person who is in possession of land under registered document for only 10 years, because no person under registered document is liable to be evicted without notice if he is in possession for 10 years under registered document. A man who is in possession without a document stands in a better position because he will not be liable to be ejected unless he has used the land in a manner which renders it unfit for the purposes of the tenancy, which is the same as clause 6 tenants. Clause 6 tenants are entitled to notice. It cannot be the intention of any Government that any person who is in possession for two years should be better treated than a person who is in possession for hundred years.

Mr. MAFIZUDDIN AHMED: Who will be better treated?

Mr. DHIRENDRA NATH DATTA: A person in possession of land for two years without a document. Please try to understand. It means that he is only to be evicted on the ground that he has used the land in a manner which renders it unfit for the purposes of tenancy.

The Hon'ble Mr. FAZLUR RAHMAN: No "In a manner which renders it unfit for use for any of the purposes specified in section 3A".

Mr. DHIRENDRA NATH DATTA: In section 3A you have mentioned the use, that is, for the purposes of tenancy. All right, I accept what you say. Then I would say that he will be liable to be evicted only on the ground that he has used the land for the purposes other than those enumerated in section 3A.

The Hon'ble Mr. FAZLUR RAHMAN: If he has used the land in a manner which renders it unfit for use for any of the purposes specified in section 3A.

Mr. DHIRENDRA NATH DATTA: Similar provision for more than 12 years shall be effected In the case of clause 6 tenants you have not provided for the service of notice, but here for a person who is in possession for 2 years there is provision for the service of a notice. That is one benefit.

The Hon'ble Mr. FAZLUR RAHMAN: No, there is no provision for eviction.

Mr. DHIRENDRA NATH DATTA: You will find that there is. Clause 6 lays down "the tenant holding the non-agricultural land comprised in such tenancy shall not be ejected by his landlord from such land except on the ground that he has used such land in a manner which renders it unfit for use for any of the purposes specified in section 3A". There is provision for eviction here and he is liable to be evicted on such ground. If you look to clause 6, such tenants are also liable to be evicted, but there is no provision for service of a notice and no provision for compensation but in the case of a person who is in possession for two years, he can be evicted on the same ground, but a further protection is given to him that he is entitled to get a notice the period of which shall be not less than six months, and shall get compensation. For such inequitable distribution of rights between two classes of tenants, we shall be ridiculed before the court. You give better rights to a person who is in possession for two years than a person who is in possession for 10 or 12 years. I am quite sure we shall be ridiculed before court. I do wish we sit together and make improvement with regard to clause 6.

If, however, you cannot accept this amendment No. 96, you must put in a short-notice amendment to improve. I am not pressing my amendment but I am only advising Government that such iniquity should not stand

and cannot stand and if it still stands in spite of my advice, I am quite sure that I shall be ridiculed before the court. If you do not understand me because I am speaking to you from this distance, let us sit together and improve clause 8, in case you are not prepared to accept amendment No. 96. Let us sit together with the Secretaries who are responsible for the drafting of this clause. I am quite sure that it cannot be the intention of the drafters that such mistakes should be there in the clause. They must be remedied and for that purpose I appeal to Government that this clause be held over for the present.

The Hon'ble Mr. FAZLUR RAHMAN: What is your suggestion, Mr. Datta?

Mr. DHIRENDRA NATH DATTA: My point is that a person who has been in occupation for less than twelve years without document should not be on the same footing with a person who has been in occupation for twelve years, and that cannot also be the intention of Government. So if Government is not prepared to accept my amendment No. 96, Government should sit together with us and draft an amendment which would fit in with all probabilities. The Bill, as it stands, Sir, cannot be accepted. It is a highly technical subject and I know that there are difficulties. I know, however, that my advice will not be acceptable to Government, but I am quite sure that the advice of his supporters will be accepted. But clause 8 must be amended; otherwise the glaring iniquities will remain there.

Mr. BIMAL CHANDRA SINHA: Mr. Deputy Speaker, Sir, I think there is some point in what has been urged by my Deputy Leader. The clause, as at present drafted, would be quite wrong unless amended in the way suggested by my Deputy Leader. Having discussed this point with my Deputy Leader I am convinced now that we have missed this point while discussing it in the Select Committee. The point really is that so far as clause 8 is concerned, it relates to tenants who are liable to ejectment and have not been given a permanent right. That is the intention of clause 8. There it has been laid down in 8 (*c*) that the tenant can be ejected on the ground that he has used such land in a manner which renders it unfit for use for any of the purposes specified in section 3A or that he has broken a condition consistent with this Act—I do not think this part now remains. Well, even if that goes out, the first portion remains, namely, that he has used such land in a manner which renders it unfit for use for any of the purposes specified in section 3A. I think so far as this provision goes, it is in common with the class of tenancies to which the provisions of sections 6 and 7 apply. Well, then, what are the additional grounds for eviction in this particular case? One additional ground is where he has been admitted to occupation of the non-agricultural land under a registered lease he can be ejected on the ground that the term of the lease has expired and that refers to clause 8(*1*)(*b*), that is, to those classes of tenants who are holding land under a lease in writing for a term of more than one year and less than twelve years to which the provisions of clause (*5*) of section 6 do not apply. In other words this relates to those tenants who are holding lands for more than one year but less than twelve years, but have erected no pucca structure,—I think that is the intention of clause (*5*) of section 6, those tenants can be ejected under section 8(*1*)(*b*) after the expiry of the term of the lease. That covers those classes of tenants covered by sub-section (*b*). But what are the provisions with regard to tenants to whom section *1*(*a*) and (*c*) apply? The proviso runs thus: "Provided that in the case of tenancies of the classes specified in clauses (*a*) and (*c*) it shall not be lawful for the landlord to eject the tenant except after having given him six months' notice in writing expiring with the end of a year of the tenancy and on payment of such reasonable compensation as may be agreed upon between the landlord and the tenant." May I have the Minister's attention, Sir?

The Hon'ble Mr. FAZLUR RAHMAN: Yes, yes, I am listening to you.

Mr. BIMAL CHANDRA SINHA: Well, Sir, the object of the proviso is, so far as I gather, to grant the landlord the power to eject this class of tenants after paying them compensation. But what is the actual wording of the clause? The actual wording of the clause is that "the tenant holding such non-agricultural land shall be liable to ejectment on one or more of the following grounds and not otherwise;" that is to say, he can be ejected when he has used the land in a manner which renders it unfit for any of the purposes specified in section 3A or on the ground that the lease has expired. So far as (*a*) and (*c*) are concerned, the second point does not apply, and we come to one ground that he has used the land in a manner which renders it unfit for use for any of the purposes specified in section 3A. The proviso is another qualifying clause to this ground and that means that in ejecting these must be conformed with. That is to say, not only on the round that he breaks the fundamental purpose of the tenancy, but even where he breaks the fundamental purposes, there even the landlord shall have to serve six months' notice and shall have to pay compensation. If that be the result of drafting, in that case the tenants who hold leases in writing which do not cover more than twelve years can be evicted only on the ground that has been mentioned in clause 8(*i*), and they have even this additional facility that they must be given six months' notice and reasonable compensation. If that be the result of the drafting, it would be impossible to eject this class of tenants and they are given greater rights—even more rights—than those given to tenants who are holding lands permanently under sections 6 and 7. I think there are laches in drafting and unless this lacuna is cleared up, there will be great difficulty in ejecting temporary tenants as contemplated in section 8.

Mr. H. A. LUKE: May I suggest, Sir, that the consideration of this clause be postponed so as to give the leaders of the parties an opportunity of discussing the matter in private and rectifying what seems to be either a mistake in drafting or a misunderstanding, and may we go on with the consideration of the next clause?

The Hon'ble Mr. FAZLUR RAHMAN: Now it is time for prayer and the Speaker may be pleased to adjourn the House for prayer fifteen minutes. Our arrangement is to go up to 6-15 p.m. and we can go up to that time and dispose of clause 8.

Mr. DEPUTY SPEAKER: The House stands adjourned for prayers.

Mr. NIHARENDU DUTT-MAZUMDAR: Sir, the proposition to continue till 6-15 p.m. will be difficult because we have got no conveyance.

Mr. DEPUTY SPEAKER: Mr. Dutt-Mazumdar, you will have 45 minutes still left.

Mr. NIHARENDU DUTT-MAZUMDAR: The proposition is rather difficult because we have got no conveyance and the curfew starts very early at 7 p.m.

The Hon'ble Mr. FAZLUR RAHMAN: In that case I would suggest that clause 8 may stand over and clause 8A may be taken up.

Mr. DEPUTY SPEAKER: Let us sit for 15 minutes after prayer.

Mr. NIHARENDU DUTT-MAZUMDAR: We do not mind sitting late but for these circumstances.

Mr. DEPUTY SPEAKER: In spite of the curfew order coming into force at 7 p.m. we used to sit up to 6-30. Let us re-assemble after prayers and sit for 15 minutes.

(At this stage the House was adjourned for 15 minutes.)

(After adjournment.)

The Hon'ble Mr. FAZLUR RAHMAN: Mr. Deputy Speaker, Sir, as I like to give consideration to the suggestion of the Deputy Leader of the Opposition I would not like to proceed with the Bill today and I would like that you may be pleased to adjourn the House today.

Mr. DEPUTY SPEAKER: The House stands adjourned till 3-45 p.m. tomorrow.

Adjournment.

The House was accordingly adjourned at 6-2 p.m. till 3-45 p.m. on Wednesday, the 7th May, 1947, at the Assembly House, Calcutta.

Proceedings of the Bengal Legislative Assembly assembled under the provisions of the Government of India Act, 1935.

THE ASSEMBLY met in the Assembly House, Calcutta, on Wednesday, the 7th May, 1947, at 3-45 p.m.

Present:

Mr. Speaker (the Hon'ble Mr. NURUL AMIN) in the Chair, 5 Hon'ble Miniters and 169 members.

Supplementaries to held-over starred questions.

Starred Question No. 257.

Mr. RAJENDRA NATH SARKAR: Will the Hon'ble Minister be pleased to state the activities so far taken by the District School Board of Khulna since its establishment in the year 1945?

The Hon'ble Mr. SAIYED MUAZZAMUDDIN HOSAIN: They have just started taking over the schools and the Board is just starting free primary education there in that district.

Mr. RAJENDRA NATH SARKAR: Is the Hon'ble Minister aware that cesses so far assessed for this district in October, 1945, have not yet been realised?

The Hon'ble Mr. SAIYED MUAZZAMUDDIN HOSAIN: Yes, it may be so on account of distress and other things

Mr. RAJENDRA NATH SARKAR: Is the Hon'ble Minister aware that a civil suit has been instituted in the court at Khulna for a declaration to the effect that the assessment of cess in that district has been illegal and for an injunction for staying of realisation of cess?

The Hon'ble Mr. SAIYED MUAZZAMUDDIN HOSAIN: No; I am not aware of that.

Mr. CANENDRA CHANDRA BHATTACHARJEE: Will the Hon'ble Minister be pleased to state how many hours the primary school teachers are to work?

The Hon'ble Mr. SAIYED MUAZZAMUDDIN HOSAIN: Five hours on an average.

Mr. CANENDRA CHANDRA BHATTACHARJEE: It appears from the statement laid on the Library Table that in the district of Howrah some school teachers are paid at Rs. 4 per month. Do the Government expect that they can work successfully for five hours a day getting only Rs. 4 per month?

The Hon'ble Mr. SAIYED MUAZZAMUDDIN HOSAIN: They are not possibly under the District School Board.

Mr. ISWAR CHANDRA MAL: It is seen in the report placed on the Library Table that in 24-Parganas in the year 1945-46 cess assessed amounts to Rs. 11,38,000, but only Rs. 7 lakhs was realised. How were the school masters paid?

The Hon'ble Mr. SAIYED MUAZZAMUDDIN HOSAIN: From supplementary grants, sanctioned by Government from provincial revenues.

Mr. ISWAR CHANDRA MAL: Government grant was only Rs. 2 lakhs and the cess realised was Rs. 7 lakhs, but the amount which was to be paid was more than Rs. 9 lakhs. Does it follow that the teachers were not paid for those years?

The Hon'ble Mr. SAIYED MUAZZAMUDDIN HOSAIN: No; certainly not. According to your own statement Rs. 7 lakhs was realised and Government grant was Rs. 2 lakhs. Rs 7 lakhs and Rs. 2 lakhs make Rs. 9 lakhs and the pay of the teachers also amounted to Rs. 9 lakhs.

Mr. MIHIR LAL CHATTOPADHYAYA: In the statement placed on the Library Table we find that in the district of Birbhum no education tax was realised from the people. Will the Hon'ble Minister be pleased to state why no realisation was made by way of taxation?

The Hon'ble Mr. SAIYED MUAZZAMUDDIN HOSAIN: In Birbhum taxation has been imposed only very recently I think they have not yet been able to realise tax

Mr. MIHIR LAL CHATTOPADHYAYA: By way of information may I know from the Hon'ble Minister what category of people have got to pay this tax?

The Hon'ble Mr. SAIYED MUAZZAMUDDIN HOSAIN: It is laid down in the Act. I would refer the honourable member to the Act.

Mr. MIHIR LAL CHATTOPADHYAYA: Will the Hon'ble Minister be pleased to state whether any exception has been made as to those people who are not to pay tax?

The Hon'ble Mr. SAIYED MUAZZAMUDDIN HOSAIN: No exception has been made.

Mr. MIHIR LAL CHATTOPADHYAYA: Will the Hon'ble Minister be pleased to state whether University employees are exempted from paying this tax?

The Hon'ble Mr. SAIYED MUAZZAMUDDIN HOSAIN: They are not exempted but they do not come within the purview of the Act.

Mr. MIHIR LAL CHATTOPADHYAYA: If University employees do not come under the purview of the Act will the Hon'ble Minister be pleased to state whether teachers and professors of schools and colleges under the University come within the purview of the Act?

The Hon'ble Mr. SAIYED MUAZZAMUDDIN HOSAIN: That is a hypothetical question. I cannot answer that without taking the opinion of the Law Officers

Mr. MIHIR LAL CHATTOPADHYAYA: Will the Hon'ble Minister be pleased to state whether he has got a representation from the teachers and on behalf of the teachers and the professors of Universities to this effect that they should be exempted from the payment of education tax?

The Hon'ble Mr. SAIYED MUAZZAMUDDIN HOSAIN: I don't remember. I have got such a note from one honourable member of this House and I am getting an enquiry made.

Mr. MUHAMMAD HABIBULLAH CHAUDHURY: Will the Hon'ble Minister be pleased to state whether Government have accepted the suggestion given by All-Bengal Primary Teachers' Conference held at Kushtia regarding the scale of pay of teachers?

The Hon'ble Mr. SAIYED MUAZZAMUDDIN HOSAIN: No.

Maulvi AKBAR ALI: Will the Hon'ble Minister be pleased to state whether Government is in a position to pay the salary of the teachers on a new scale?

The Hon'ble Mr. SAIYED MUAZZAMUDDIN HOSAIN: It will have effect from 1st October last.

Maulvi AKBAR ALI: Sir, my question is whether Government is in a position to pay that?

The Hon'ble Mr. SAIYED MUAZZAMUDDIN HOSAIN: Certainly; Government is in a position to pay that.

Mr. MUNINDRA NATH BHATTACHARJEE: From the statement it appears that of the cess assessed in the Dacca district in 1938-39 to 1945-46 Rs. 10 lakhs remains unrealised? What is the reason for it?

The Hon'ble Mr. SAIYED MUAZZAMUDDIN HOSAIN: The reason is non-payment.

Mr. MUNINDRA NATH BHATTACHARJEE: Will the Hon'ble Minister be pleased to state what arrangement has been made to realise the amount?

The Hon'ble Mr. SAIYED MUAZZAMUDDIN HOSAIN: Certificates are being issued from time to time

Mr. MANORANJAN DHAR: From the statement laid on the Library Table as regards the number of schools in Mymensingh district it appears that the number of managed schools in 1939-40 was 2,585 and the number of aided schools was 2,034; in 1940-41 the number of managed schools was 2,625 and aided schools 1,386; in 1941-42 the number of managed schools was 2,634 and the number of aided schools was 1,776, in 1942-43 the number of managed schools was 2,634 and of aided schools was 1,451; in 1943-44 the number of managed schools was 2,634 and that of aided schools was 1,438; and 1944-45——

Mr. SPEAKER: Mr. Dhar, the figures are there in the statement; you need not repeat.

Mr. MANORANJAN DHAR: I am not repeating them; I am mentioning them just to show the comparison.

Mr. SPEAKER: You put your question

Mr. MANORANJAN DHAR: From the statement it appears that suddenly in 1944-45 the number of aided schools came down to 337 whereas the number of managed schools remained stationary. What is the reason?

The Hon'ble Mr. SAIYED MUAZZAMUDDIN HOSAIN: Due to high prices and war conditions many aided schools disappeared.

Mr. SURESH CHANDRA DAS GUPTA: মাননীয় মন্ত্রীমহাশয়, অনুগ্রহ করে বলবেন কি যে প্রাইমারী স্কুলের Teacherদের কয় ঘন্টা করে কাজ করতে হয়?

THE Hon'ble SAIYED MUAZZAMUDDIN HOSSAIN: পাঁচ ঘন্টা করে।

Mr. SURESH CHANDRA DAS GUPTA: দশ টাকা মাইনা দিয়ে একটা লোককে পাঁচ ঘন্টা খাটালে তার প্রতি ন্যায় বিচার করা হয় কি—তাকে কি পশুর মত খাটান হচ্ছে না?

The Hon'ble Mr. SAIYED MUAZZAMUDDIN HOSAIN: It is a matter of opinion.

Mr SURESH CHANDRA DAS GUPTA: বাঁকুড়া জেলায় এক হাজার ৩৫টি প্রাইমারী স্কুল আছে। গভর্ণমেন্ট তার জন্য সাহায্য করেছেন মাত্র ৬৪,৫৪৯ টাকা এটা উপযুক্ত সাহায্য হয়েছে কিনা মাননীয় মন্ত্রীমহাশয় বলবেন কি?

The Hon'ble Mr. SAIYED MUAZZAMUDDIN HOSAIN: Please repeat your question.

Mr. SURESH CHANDRA DAS GUPTA: মাননীয় মন্ত্রীমহাশয়, অনুগ্রহ করে বলবেন কি যে বাঁকুড়া জেলায় এক হাজার ৩৫টি প্রাইমারী স্কুল আছে গভর্ণমেন্ট সেখানে মাত্র ৬৪,৫৪৯ টাকা সাহায্য করে থাকেন। এটা কি উপযুক্ত সাহায্য হয়েছে?

Mr. SPEAKER: That is a matter of opinion.

The Hon'ble Mr. SAIYED MUAZZAMUDDIN HOSAIN: That is a matter of opinion too

Mr. MANORANJAN DHAR: With reference to the answer given to my previous question, will the Hon'ble Minister be pleased to state if the economic condition of the country in 1942-43 and 1943-44 was better than in 1944-45, because the number of aided schools did not come down in these years?

The Hon'ble Mr. SAIYED MUAZZAMUDDIN HOSAIN: Gradually it came down

Mr. MANORANJAN DHAR: Not suddenly

Will the Hon'ble Minister be pleased to state if he has got any representation from the district of Mymensingh for the introduction of compulsory primary education?

The Hon'ble Mr. SAIYED MUAZZAMUDDIN HOSAIN: Yes, from very many districts. Why from Mymensingh alone?

Mr. MANORANJAN DHAR: Will the Hon'ble Minister be pleased to inform if he intends to introduce compulsory primary education in the district of Mymensingh?

The Hon'ble Mr. SAIYED MUAZZAMUDDIN HOSAIN: Well, it has been stated many a time in this House that compulsory primary education is going to be taken up in one-fourth of Bengal.

Mr. BADIUZZAMAN MUHAMMAD ILIAS: Will the Hon'ble Minister be pleased to state whether the increased salary which has been sanctioned by Government for payment to the primary school teachers has already begun?

The Hon'ble Mr. SAIYED MUAZZAMUDDIN HOSAIN: Yes, it has.

Mr. MANORANJAN DHAR: Will the Hon'ble Minister be pleased to state how does he explain the reduction in the number of aided schools in 1946?

The Hon'ble Mr. SAIYED MUAZZAMUDDIN HOSAIN: That was also due to the changed conditions, bad economic conditions, etc.

Mr. RAJENDRA NATH SARKAR: Will the Hon'ble Minister be pleased to state what he means by "other items" under which head a sum of Rs. 2,526 has been shown as spent?

The Hon'ble Mr. SAIYED MUAZZAMUDDIN HOSAIN: I want notice.

Mr. RAJENDRA NATH SARKAR: With reference to statement for Khulna wherein it is stated that a sum of Rs. 1,78,029 was spent for schools and Rs. 2,526 was spent for other items, making a total of Rs. 1,80,555 whereas an amount of Rs. 2,57,737 was contributed by Government, will the Hon'ble Minister be pleased to state what happened to the balance?

The Hon'ble Mr. SAIYED MUAZZAMUDDIN HOSAIN: Remained in the school fund.

Mr. ISWAR CHANDRA MAL: Will the Hon'ble Minister be pleased to state what is the decision of Government with regard to the establishment of a school board in Midnapore?

The Hon'ble Mr. SAIYED MUAZZAMUDDIN HOSAIN: Well, I am contemplating to go there on Saturday after next, and I wish to have a meeting with the leaders of the district and induce them to accept free primary education in their district. I have got the power to introduce it even if they do not agree, but I want to take them into confidence. After two weeks I will be able to give a definite reply to this question.

Mr. ISWAR CHANDRA MAL: What is the opinion of the district board?

The Hon'ble Mr. SAIYED MUAZZAMUDDIN HOSAIN: The district board is against it, the Collector is against it, it is only the Commissioner who is in favour of it.

Mr. ISWAR CHANDRA MAL: Will the Hon'ble Minister be pleased to state if the teachers of the Midnapore district will get any benefit as a result of the calling off of the strike?

The Hon'ble Mr. SAIYED MUAZZAMUDDIN HOSAIN: They will get this benefit. Every teacher will get the increment which is given to the teachers under District School Boards. On an average it is found non-District School Board teachers are getting only about Rs. 7 or Rs. 8 per head, whereas in District School Board areas, the average is about Rs. 15 or something like that. Teachers under District School Board are getting about Rs. 5 over and above dearness allowance. Now the teachers in non-District School Board areas will get this Rs. 5 extra over and above what they are getting now. They are not under the District School Board; they are only aided; they are getting certain aid; all that Government can do in such cases is that in the case of primary teachers they can give dearness allowance and the benefit of increment.

Mr. NAWAJESH AHMED: Will the Hon'ble Minister be pleased to state if all primary teachers will get enhanced rate of pay from last October?

The Hon'ble Mr. SAIYED MUAZZAMUDDIN HOSAIN: Except teachers who are non-matriculates and non-passed, all will get. These non-matriculates will have to pass a qualifying examination before they get it.

Mr. NAWAJESH AHMED: What examination they will have to pass? What is the nature of the examination?

The Hon'ble Mr. SAIYED MUAZZAMUDDIN HOSAIN: They will have to pass certain test to find out that they will be able to do their duty as primary teachers. At present they are neither trained nor matriculation passed. Some sort of examination will have to be arranged to find out that they are competent.

Maulvi AKBAR ALI: Will the Hon'ble Minister be pleased to state if he will be in a position to start compulsory primary education in the whole of Bengal?

The Hon'ble Mr. SAIYED MUAZZAMUDDIN HOSAIN: As far as we are concerned we have decided so. The file is now going to the Government of India. If they approve it we can give effect to it.

Mr. MIHIR LAL CHATTOPADHYAYA: By way of general information, will the Hon'ble Minister be pleased to state whether Government servants have not got to pay any education tax?

The Hon'ble Mr. SAIYED MUAZZAMUDDIN HOSAIN: I could not say.

Mr. MIHIR LAL CHATTOPADHYAYA: Will the Hon'ble Minister be pleased to state whether employees of district boards and municipalities have not got to pay any tax?

Mr. SPEAKER: This question was raised in the House a few days back and it was discussed as to why Government servants and other employees of local bodies are exempted from this tax.

Mr. MIHIR LAL CHATTOPADHYAYA: Sir, I ask the question because of the fact that certain categories of the people have not got to pay this tax.

Mr. SPEAKER: I know This question was raised and discussed in the House only a few days back.

Mr. MIHIR LAL CHATTOPADHYAYA: Government servants have not got to pay this tax, district board and municipality employees, and officers of the Education Department have not got to pay, employees of Wakf Estates have not got to pay, but unfortunately teachers and professors under the University have got to pay the education tax I simply want to point out the anomaly of the whole thing.

The Hon'ble Mr. SAIYED MUAZZAMUDDIN HOSAIN: The matter has been referred to the legal authorities for their opinion.

Mr. MUHAMMAD HABIBULLAH CHAUDHURY: Will the Hon'ble Minister be pleased to state why they are so serious about taking examination of the persons who are primary school teachers when there is no system of examination prevalent in many other departments of Government?

The Hon'ble Mr. SAIYED MUAZZAMUDDIN HOSAIN: The point is, the Development Department of the Government of India refused to give any grant unless they were satisfied that their grant would be utilised for useful purposes and they want that these teachers who are neither matriculates nor trained should be examined to see whether these teachers are qualified to run primary schools. And for this we have to take this examination.

Mr. MUHAMMAD HABIBULLAH CHAUDHURY: Will the Hon'ble Minister be pleased to state who will examine the primary school teachers?

The Hon'ble Mr. SAIYED MUAZZAMUDDIN HOSAIN: Some of our own Sub-Inspectors are being specially trained to conduct such examination. Very hurriedly it will have to be done. I think we shall have to examine about 40,000 teachers within three or four months.

Mr. MUHAMMAD HABIBULLAH CHAUDHURY: Will the Hon'ble Minister be pleased to state if in different departments of Government

persons who are non-matric or non-trained get higher remuneration and if so, why should this amount be considered as waste so far as the primary school teachers are concerned?

The Hon'ble Mr. SAIYED MUAZZAMUDDIN HOSAIN: It is the idea of the Government of India and I also know that in many cases matriculate and qualified teachers have gone away and they had to be replaced by any man found on the spot. So it is necessary that we should find out who are really the people who can be depended upon for running primary schools. Those who are not competent will get no increment and they will be gradually replaced by competent men.

Mr. RAJENDRA NATH SARKAR: With reference to the contribution of Government to the Khulna District School Board as shown in the statement laid on the Library Table, will the Hon'ble Minister be pleased to state if the entire amount was spent as grants-in-aid to schools or whether it includes dearness allowance to the teachers as well?

The Hon'ble Mr. SAIYED MUAZZAMUDDIN HOSAIN: Dearness allowance is given as lump by Government to the School Board for distribution and it is distributed along with the income they get from the education cess.

Mr. BADIUZZAMAN MUHAMMAD ILIAS: Will the Hon'ble Minister be pleased to state whether by this system of examination the pockets of many Sub-Inspectors who will examine them will not be filled?

The Hon'ble Mr. SAIYED MUAZZAMUDDIN HOSAIN: Certainly not. Only selected Sub-Inspectors are going to be particularly trained for conducting this examination.

Mr. MANORANJAN DHAR: Will the Hon'ble Minister be pleased to state the area which is covered by each primary school?

The Hon'ble Mr. SAIYED MUAZZAMUDDIN HOSAIN: As far as I know it is three square miles.

Mr. MANORANJAN DHAR: In view of the answer just given, will the Hon'ble Minister be pleased to state whether the number of schools in Mymensingh is commensurate with the number of population or with the extent of the area?

The Hon'ble Mr. SAIYED MUAZZAMUDDIN HOSAIN: It is commensurate with the extent of the area, but if more schools are established I think the number of students will increase.

Mr. AMULYA CHANDRA ADHIKARI: Will the Hon'ble Minister be pleased to state whether Government is considering the desirability of revising the scales of pay of primary school teachers in order to increase their efficiency.

The Hon'ble Mr. SAIYED MUAZZAMUDDIN HOSAIN: Their remuneration has been enhanced only recently by 100 per cent.

Mr. BENODE CHANDRA CHAKRABORTY: Will the Hon'ble Minister be pleased to state if he is aware that the Mymensingh District School Board is experiencing difficulty for want of fund for establishing primary schools?

The Hon'ble Mr. SAIYED MUAZZAMUDDIN HOSAIN: As a matter of fact the District School Board is not responsible for the school houses.

School houses are arranged by the people of the locality and there is particularly no difficulty now regarding school houses. No new school houses are being built and for the purpose of repairs and other things the school fund used to give 2 per cent. of the income and that has recently been increased to 5 per cent.

Mr. SYED MAHAMMAD AFZAL: Will the Hon'ble Minister be pleased to state if it has been proved that the conduct of these six selected sub-inspectors is above suspicion?

The Hon'ble Mr. SAIYED MUAZZAMUDDIN HOSAIN: I hope so

Mr. AMULYA CHANDRA ADHIKARI: Will the Hon'ble Minister be pleased to state——

Mr. SPEAKER: Order, order. This question has been dealt with very thoroughly, and I do not think I should allow more time to be devoted to this question.

Mr. AMULYA CHANDRA ADHIKARI: But this is a very important question, Sir, and I want to put a few more supplementary questions.

Mr. SPEAKER: It does not mean that we should devote the whole question hour on this single question. About 25 minutes have been spent on this question. I do not think I should allow any more time on this question. Next question.

Supplementaries on Starred Question No. 264 which was held over on 6th May, 1947.

Mr. MUHAMMAD HABIBULLAH CHAUDHURY: Will the Hon'ble Minister be pleased to state why in the district of Noakhali the figures of cattle purchase——

Mr. DHIRENDRA NATH DATTA: Sir, the question has got to be read out. It was not read yesterday.

Mr. SPEAKER: I have been told that the answer was read over the other day.

Mr. MUHAMMAD HABIBULLAH CHAUDHURY: Will the Hon'ble Minister be pleased to state why the figures for cattle purchase, gratuitous relief, sales of food grains at cheap rates as well as test relief have not been mentioned in the statement, for the district of Noakhali?

Mr. MASIHUDDIN AHMED: The local authorities did not think it necessary to give relief under these items.

Mr. MUHAMMAD HABIBULLAH CHAUDHURY: Will the Hon'ble Minister be pleased to state if he is aware that actually test relief money was spent on test relief, gratuitous relief, etc., but it has not been mentioned by the officer; and if not, why not?

Mr. MASIHUDDIN AHMED: It may be that figures were not available when the answer was ready. It may be so, I do not know exactly.

Mr. MAJIBUR RAHMAN: Will the Hon'ble Minister be pleased to state if the Government is aware that relief was particularly given on the recommendation of the Congress and Hindu Mahasabha volunteers and consequently a number of unaffected people were given relief?

Mr. MASIHUDDIN AHMED: Government is not aware of it.

Mr. BENODE CHANDRA CHAKRABORTY: Will the Hon'ble Minister be pleased to state if the relief operation is still continuing?

Mr. MASIHUDDIN AHMED: Yes, it is still continuing.

Mr. MAJIBUR RAHMAN: Is the Hon'ble Minister aware that no elief was given to the Muslim riot-affected families of Noakhali?

Mr. MASIHUDDIN AHMED: I am not posted with the information.

Mr. CANENDRA CHANDRA BHATTACHARJEE: Will the Hon'ble Minister be pleased to state why no relief has been given to the people f Senbagh thana in Noakhali where the houses of some Hindus were oted?

Mr. MASIHUDDIN AHMED: I think the local authorities did not ink it necessary to give any relief.

Mr. CANENDRA CHANDRA BHATTACHARJEE: Will the Hon'ble inister be pleased to state if Government considers the desirability of aking an enquiry into the matter and giving them necessary relief?

Mr. MASIHUDDIN AHMED: If relief is considered necessary, Government will certainly give it.

Mr. MUHAMMAD HABIBULLAH CHAUDHURY: Will the Hon'ble Minister be pleased to state whether Government considers the desirability f enquiring into the conduct of the officers who did not give figures so ar as gratuitous relief and test relief are concerned but who are so much nthusiastic about giving inflated figures so far as conversion, rape, etc., ere concerned?

Mr. MASIHUDDIN AHMED: Government does not think it necessary hold any enquiry.

Mr. MIHIR LAL CHATTOPADHYAYA: Sir, from the statement laid n the Library Table it appears that these riots took place in October last nd answer was sought with regard to some question as to what amount f relief was given up to January. Therein we find that nothing by way f gratuitous relief was given till January 15. Are we to understand that Government did not give any gratuitous relief up till January 15?

Mr. MASIHUDDIN AHMED: As a matter of fact, relief was rushed hrough soon after the riot took place.

Mr. MIHIR LAL CHATTOPADHYAYA: Are we to understand that o gratuitous relief was given to the people of Noakhali even as late as anuary 15, 1947, although the riot took place in October, 1946?

Mr. MASIHUDDIN AHMED: Are you referring to Dattapara?

Mr. MIHIR LAL CHATTOPADHYAYA: I am referring to Noakhali: am referring to the statement that has been laid on the Library Table. 'hat is exactly what Mr. Bahar has put to you.

Mr. SPEAKER: Questions over.

Mr. MUHAMMAD HABIBULLAH CHAUDHURY: We have got more uestions.

Mr. MIHIR LAL CHATTOPADHYAYA: We have got important uestions.

Mr. SPEAKER: Is any reply pending?

Mr. MIHIR LAL CHATTOPADHYAYA: Yes, Sir.

Mr. MASIHUDDIN AHMED: There is no question of date. I do not ind any date has been given in this statement.

Mr. MUHAMMAD HABIBULLAH CHAUDHURY: Will the Hon'ble Minister be pleased to state why figures of test relief, cattle purchase, gratuitous relief, sale of food-grains at cheap rates are not available?

Mr. MASIHUDDIN AHMED: This is a huge matter. It is very difficult now, as the relief operations are still continuing there, to get all the figures at once. Whatever figures we have received, we have given here.

Mr. MIHIR LAL CHATTOPADHYAYA: The question was absolutely clear. In question (*a*) it was definitely stated as to what was the relief given thana by thana up to 15th January, 1947. It is a clear question and a specific date was given, but the answer that has been given is that no test relief work has been done by that time, no gratuitous relief was given to the people as late as 15th January, no sale af food-grains at cheap rates was done as late as 15th January and no cattle purchase loan was given to the people as late as January, 1947.

Mr. MASIHUDDIN AHMED: As a matter of fact, when the riot was continuing, their first duty was to give them shelter and give them food. There was no time to consider the question of cattle purchase loan. As the riot subsided, these things were brought to the notice of the local authorities and they allotted some funds.

Mr. MUHAMMAD HABIBULLAH CHAUDHURY: On a point of privilege, Sir. The actual fact is that this money was given for test relief, for gratuitous relief, for cattle purchase, but the officers did not reply. The Minister-in-charge does not know what amount was actually paid. This is the position.

Mr. MASIHUDDIN AHMED: This figure is up to January, 1947.

Mr. MUHAMMAD HABIBULLAH CHAUDHURY: These officers were very much enthusiastic about giving figures of forcible conversion.

Mr. SPEAKER: There is no point in repeating the same think. This is not a matter of privilege.

Mr. Md. OSMAN GANI: Is the Hon'ble Minister aware that relief was given to the Noakhali people by plane?

Mr. MASIHUDDIN AHMED: Yes, food was dropped from the plane.

Mr. MIHIR LAL CHATTOPADHYAYA: From the statement that has been made by Mr. Bahar we understand that a large amount of money has been spent on these items in the district of Noakhali up to 15th January, 1947. If Government says that no amount was spent and if an honourable member coming from that constituency says on definite information that money was spent, what are we to understand? Are we to understand that what the hononurable member says is something not true or what the Hon'ble Minister says is something not true?

Mr. SPEAKER: Questions over.

Enquiry about admission of a question.

Mr. MANORANJAN DHAR: Sir, a few days back I gave notice of a question regarding the food crisis——

Mr. SPEAKER: Mr. Dhar, I have said on many occasions that such matters need not be mentioned in this House because you know these questions are first submitted to the Speaker and the Speaker sends them to the administrative departments and the administrative departments, when they consider that the reply is ready, supply the information to the

House. If they do not supply the information within a reasonable time, pointed out more than once, the Chair finds itself in a helpless condition nough the Chair has full sympathy for the members.

Mr. MANORANJAN DHAR: I have raised another matter. The uestion has been disallowed by you.

Mr. SPEAKER: Then you need not mention it here. You may men- on it in my chamber.

Mr. MANORANJAN DHAR: I am not questioning your decision. That I mean to say is this that on receipt of the intimation I referred to e rules to find out if I offended against the rules.

Mr. SPEAKER: I will satisfy you that it was rightly disallowed. If u are not satisfied, then you may consider whether you are entitled to ention it in the House as a point of privilege and not in this way.

GOVERNMENT BILL.

The Bengal Non-Agricultural Tenancy Bill, 1946.

Clause 8.

Mr. SPEAKER: Clause 8 was under discussion. Amendment No. 96 was oved.

Mr. DHIRENDRA NATH DATTA: Mr. Speaker, Sir, with regard to lause 8, with your permission and with the permission of the House, ay I move a short-notice amendment?

Mr. SPEAKER: You moved an amendment yesterday and you want modify it by a short-notice amendment.

Mr. DHIRENDRA NATH DATTA: Yes.

Mr. SPEAKER: All right.

Mr. DHIRENDRA NATH DATTA: I beg to move that for sub- lause (*1*) of clause 8, the following be substituted, namely:—

Notwithstanding anything contained in any other law for the me being in force or in any contract, if any non-agricultural land has een held for a term of more than one year but less than twelve years——

(*a*) under a lease in writing for a term of more than one year and less than twelve years to which the provisions of clause (*5*) of section 6 do not apply, or

(*b*) without a lease in writing, or

(*c*) under a lease in writing but no term is specified in such lease, hen the tenant holding such non-agricultural land shall be liable to eject- ent on one or more of the following grounds and not otherwise, namely:—

(*i*) on the ground that he has used such land in a manner which renders it unfit for use for any of the purposes specified in section 3A;

(*ii*) on the ground that the term of the lease has expired in the case of the tenancies of the class specified in clause (*a*);

(*iii*) on the ground that the tenancy has been terminated by the land- lord by six months' notice in writing expiring with the end of the year of the tenancy served on the tenant in the pres- cribed manner in the case of tenancies of the classes specified in clauses (*b*) and (*c*):

Provided that a tenant shall not be liable to ejectment on the ground specified in clause (*iii*) except on payment of such reasonable compensation as may be agreed upon between the landlord and the tenant, or, if they do not agree, as may be determined by the Court on the application of the landlord or such tenant:

Provided further that in the case of tenancies of the class specified in clause (*c*), no tenant shall be liable to ejectment on the ground specified in clause (*iii*) if he agrees to pay to the landlord such premium or *selami* which shall in no case exceed fifteen times the annual rent of such tenant as may be agreed upon between the landlord and the tenant, or, if they do not agree, as may be determined by the Court on the application of the landlord or such tenant.

Mr. Speaker, this will be sub-clause (*1*) of clause 8, sub-clause (*2*) will remain as it is. Of course, there was a discussion yesterday over this question and as you find, Sir, in this clause there are three classes of tenants. All classes of tenants are, however, possessing land for less than 12 years but one holding under a registered lease for a specified period, another holding without a lease in writing and a third class holding under a lease in writing but no term is specified therein. So, Sir, there are three classes of tenants, and I have stated that these three classes of tenants are liable to be evicted on the ground that they have used the land in a manner which renders it unfit for use for any of the purposes specified in section 3A, and as enumerated in clause 6 that we have passed. But, Sir, with respect to the first class of tenants, i.e., a tenant holding land under a lease for a specified term he is liable to be evicted on the expiry of the term as under the Transfer of Property Act by the influx of time it is limited thereby.

Then with respect to the second and third classes of tenants, i.e., tenants who are holding land firstly without any lease in writing and, secondly, under a lease in which no term is specified they are liable to be evicted on the expiration of the term of a written notice to determine the lease, the period in which shall, in no case, be less than six months. But Sir, they are entitled to get compensation as may be agreed upon between the landlord and the tenant, and in case of disagreement the matter shall be determined by the Court. It has been further provided that in respect of that class of tenant, i.e., those who have been holding the land under a lease in which no term is specified he will not be evicted if he agrees to pay *selami*; the amount of the *selami* will in no case exceed 15 times the annual rent. And if there is disagreement between the landlord and the tenant, the matter shall be determined by the Court.

Sir, this is what I intend to do. On these matters there has been a discussion and there has been an agreement, and on that agreement I move this amendment. I hope, Sir, this will be accepted by the whole House.

Mr. FAZLUR RAHMAN (Mymensingh): Sir, may I have your permission to move a short-notice amendment?

Mr. SPEAKER: Yes.

Mr. FAZLUR RAHMAN (Mymensingh): I beg to move that for sub-clause (*1*) of clause 8 the following be substituted, namely:—

"Notwithstanding anything contained in any other law for the time being in force or in any contract, if any non-agricultural land has been held for a term of more than one year but less than 12 years——

(*a*) under a lease in writing for a term of more than one year and less than 12 years, to which the provisions of clause 5 of section 6 do not apply, or

(*b*) without a lease in writing, or

(*c*) under a lease in writing but no term is specified in such lease, then the tenant holding such non-agricultural land shall be liable to ejectment on one or more of the following grounds and not otherwise, namely:——

(*i*) on the ground that he has used such land in a manner which renders it unfit for use for any of the purposes specified in section 3A;

(*ii*) on the ground that the term of the lease has expired in the case of a tenancy of the class specified in clause (*a*);

(*iii*) on the ground that the tenancy has been terminated by the landlord by six months' notice in writing expiring with the end of the year of the tenancy, served on the tenant in the prescribed manner in the case of the tenancy of the class specified in clause (*b*):

Provided that a tenant shall not be liable to ejectment on the ground specified in clause (*iii*) except on payment of such suitable compensation as may be agreed upon between the landlord and the tenant or if they do not agree as may be determined by the Court on the application of the landlord or such tenant."

The difference between my amendment and the amendment moved by Mr. Datta is that in my amendment there is no provision for compensation, in respect of a tenancy under (*c*), i.e., where the lease is in writing but no term is specified. In such cases I think the tenancy is settled for permanent use, and that was the intention at the time of the settlement. So, the question of compensation or *selami* does not come in.

Mr. MUHAMMAD ISRAIL: Sir, so far as the amendment moved by Mr. Fazlur Rahman and the amendment which has been moved by my honourable friend Mr. Datta the only difference is in (*c*) where the lease is in writing but no specified term is mentioned and it is not indicated in how many days or how many months or how many years the lease will terminate. So under the Transfer of Property Act this should be taken as a permanent lease, because if the intention of the landlord at the time of the settlement was that it should terminate on a certain date, it would have been reduced into writing. If his intention was that it would terminate after a certain term he would have put it in the lease. Because it has not been put into writing that after so many years the lease would terminate, it may be taken for granted that the lease is not meant for expiration after a certain term. As such payment of any *selami* as suggested by Mr. Datta at 15 times the annual rent is unjust, because the tenancy was taken for life; otherwise the period would have been mentioned. The only difference between Mr. Datta's amendment and the amendment moved by Mr. Fazlur Rahman is so far as clause (*c*) is concerned about payment of *selami*. I hope my friend will accept it. If we accept the principle of *selami*, that will place the tenants in a position worse than what they are in under the present law under the Transfer of Property Act. In view of all this, I hope my honourable friend will accept the amendment which does not make any difference. It will continue the present rights of the landlord.

Mr. DHIRENDRA NATH DATTA: Sir, I have heard——

Mr. SPEAKER: Is it necessary for you to reply?

Mr. DHIRENDRA NATH DATTA: If you allow me——

Mr. SPEAKER: I want to know the difference between your short-notice amendment and Mr. Fazlur Rahman's amendment.

Mr. DHIRENDRA NATH DATTA: One difference between my amendment and the amendment moved by my honourable friend Mr. Fazlur Rahman is the last proviso.

Mr. SPEAKER: There is another difference. Whether it is a typing mistake or not I do not know. In your amendment there is clause (*c*), but in Mr. Fazlur Rahman's amendment there is no clause (*c*).

Mr. DHIRENDRA NATH DATTA: So, Sir, it makes a great deal of difference. My amendment says the class of tenants as specified in (*c*) holding land under a lease in which no terms are specified are liable to be evicted on expiry of the term of the written notice to determine a lease, but they are liable to get compensation, and if they agree to pay *selami* they will not be evicted. But, Sir, Mr. Fazlur Rahman's amendment says that tenants will never be evicted on the expiry of a written notice. There is a good deal of difference between the two amendments. My friend Mr. Israil was telling the House that such a lease in which no terms are specified is a lease for the life of the tenant. He is evidently referring to an English case in which it has been stated that a lease in which no term is fixed with an agreement not to raise the rent so long as the tenant pays it regularly has been held to be a lease for the life of the tenant. If there is agreement not to raise the rent and the rent is fixed in perpetuity, if in the document itself no term is fixed and there is agreement to the effect that no period will be fixed, then it will be considered as lease for the life of the tenant. But it has been held in innumerable cases that a lease for an indefinite period, if the rent is payable yearly, will be taken to be a lease from year to year. It cannot be taken to be a permanent lease and cannot be taken to be a lease for the life of the tenant. Such leases are generally given with the intention of ejecting tenants after a short period; they do not come under the category of the class of tenants specified in clause 6, i.e., the class of tenants who have been in possession of land for more than 12 years, or for more than 100 years, or whose origin is unknown. So, Sir, my submission before the House is that really such a class of tenants should be classified as tenants who are liable to be evicted, provided of course an opportunity has been given to them to see whether they agree to pay *selami*, and the amount of *selami* has also been fixed at 15 times the annual rent. If they agree to pay *selami* they will not be evicted. I do not know, Sir, whether the House will accept my amendment, but I think, Sir, that my amendment is an amendment which should be accepted by the House having regard to the condition of such land prevailing in the country.

Sir, this amendment No. 103 stands in the name of Mr. Bimal Chandra Sinha, but he is not present here. He could not come because he has been held up in a curfew area. So, Sir, this amendment may stand over.

Mr. SPEAKER: For how long?

Mr. DHIRENDRA NATH DATTA: A car has already gone.

Mr. SPEAKER: You may move it if you like.

Mr. DHIRENDRA NATH DATTA: It is not possible for me to move this amendment because I have not given any thought over it.

Mr. NIHARENDU DUTT-MAZUMDAR: Sir, Mr. Sinha has been held up within a curfew area. I met him and he wished it to be conveyed to the House that he wanted to move this amendment. I would therefore suggest that arrangements may kindly be made so that he may be permitted to come out. Arrangements should also be made to bring him here so that he might move his motion. He wished to move it himself.

Mr. MUHAMMAD ISRAIL: Somebody else may move it.

Mr. DHIRENDRA NATH DATTA: It is impossible for any other member to move the amendment standing in the name of Mr. Sinha.

Mr. NIHARENDU DUTT-MAZUMDAR: It may perhaps be possible for members on the other side of the House to move it, but it is not possible for anybody else on this side. It is Mr. Sinha's amendment and he is the most competent person to move it.

Mr. DHIRENDRA NARAYAN MUKHERJI: It may be held over.

Mr. SPEAKER: I can wait for 10 minutes only. Let us proceed with other amendments and in the meantime he might come.

Mr. NIHARENDU DUTT-MAZUMDAR: Sir, you may be pleased to direct that Mr. Sinha who is confined within his house in the curfew area may be helped to come out of the curfew area. It is no use waiting for him without making any arrangements to bring him here from the curfew area.

The Hon'ble Mr. FAZLUR RAHMAN: I am really sorry that Mr. Dutt-Mazumdar is making an unnecessary suggestion because the Chief Government Whip has already made arrangements in the matter.

Mr. MUHAMMAD HABIBULLAH CHAUDHURY: I understand that members of the Upper House have been given curfew passes. Mr. Speaker may be requested to move Government to issue curfew passes to every member of this House.

Mr. SPEAKER: I am sorry that members have got a very short memory. The Speaker did make a request at the instance of this House. So I do not see any reason why the question should be raised again.

Mr. DHIRENDRA NATH DATTA: But the request has not been acceded to by Government.

Mr. MAFIZUDDIN AHMED: Sir, a number of curfew passes have already been issued and distributed to some of the members of the Assembly. Others are in my possession and those who have not got passes might take delivery of them from me.

The Hon'ble Mr. FAZLUR RAHMAN: I do not understand why Mr. Dutt-Mazumdar should make a request like this without knowing the real position. The Chief Whip had already approached us and necessary arrangements have been made to bring Mr. Sinha to the House.

Mr. NIHARENDU DUTT-MAZUMDAR: But it is necessary for the Speaker to know. Sir, Mr. Sabur suggested that members' indentity cards should be recognised as curfew permits and this suggestion was supported by all sections of the House. I would suggest, Sir, that you may be pleased to direct that steps be taken immediately to furnish members with curfew permits and to regard their identity cards as curfew permits.

Mr. DHIRENDRA NATH DATTA: Amendment No. 110 should stand over, Sir.

Mr. SPEAKER: Yes. We now pass on to Clause 8A.

The Hon'ble Mr. FAZLUR RAHMAN: I have not replied, Sir.

Mr. SPEAKER: How can you reply when two motions still remain to be moved?

Clause 8A.

Mr. DHIRENDRA NATH DATTA: Sir, I beg to move that the following proviso be added to clause 8A, namely:—

"Provided that the landlord will have the benefit of the section if he brings a suit for ejectment under section 8 within a year from the passing of the Act."

It seems clear that this clause provides exclusion of the period during which Bengal Act IX of 1940 was in force. During that time, Sir, many persons have acquired permanent rights in the land but in view of the fact that they were in possession of the land for a period beyond 12 years that period is going to be excluded. But the landlord shall not have the benefit of the section if he does not bring a suit of ejectment within a very short time. By my amendment I want the period to be one year. If within one year he brings a suit he will have the benefit of that section, otherwise not.

Mr. SHARFUDDIN AHMED: The effect of this amendment will be inviting litigation against tenants because it enables landlords to bring suits of ejectment under section 8 within one year from the passing of the Act. Sir, as I have said, this is nothing but inviting landlords to bring suits to harass tenants. That cannot be the intention of the Bill, Sir. The object of passing this legislative measure is to give more relief and greater rights to the tenants in general. So judged from that point of view there is no justification for supporting an amendment like this.

Mr. CHARU CHANDRA BHANDARI: Sir, I want to move a short-notice amendment with regard to clause 8A.

Mr. SPEAKER: No amendment is necessary because you are entitled to vote against clause 8A when it is put to vote.

Mr. CHARU CHANDRA BHANDARI: There are also many such amendments here.

Mr. SPEAKER: Yes, Certain expressions may be omitted but if the entire clause is omitted it means that it is a negative amendment.

Mr. DHIRENDRA NATH DATTA: Sir, I oppose this clause altogether. I quite understand the reason for exclusion of the period because unless there is a provision like this it may be contended on behalf of the landlords that under Act IX of 1940, they may institute suits for eviction.

Mr. MUHAMMAD ISRAIL: Mr. Datta, have you moved an amendment for deletion?

Mr. DHIRENDRA NATH DATTA: I want deletion of the clause.

Mr. MUHAMMAD ISRAIL: But that must be done by means of an amendment.

Mr. DHIRENDRA NATH DATTA: But Mr. Speaker was telling me that it was not necessary.

Mr. SPEAKER: Mr. Datta, it is not proper for you to oppose this whole clause because you have already tabled an amendment to this clause and as such you have accepted the principle of the clause. Some other member may speak generally opposing this clause, but you cannot do so, once having put in an amendment to this clause.

Mr. MUHAMMAD ISRAIL: On a point of order, Sir. I want to know whether you have allowed a short-notice amendment for the deletion of this clause.

Mr. SPEAKER: While speaking generally on the clause any member n speak on it which is before the House as a motion for acceptance or jection by the House.

Mr. CHARU CHANDRA BHANDARI: Mr. Speaker, Sir, I oppose ause 8A which should be deleted.

The reason is that under the provisions of the Bengal Non-Agricultural enancy (Temporary Provisions) Act ejectments of non-agricultural nants were prohibited and zamindars have been prevented from institu- ng cases of ejectment after that Act has come into operation. So it is w in justice to the landlords that they should not have a chance to ing ejectment suits. It is provided in this clause 8A that the period r which such land has been held during such continuance after the ex- ration of the time limited by such lease and, in other cases, the period r which the said Act has been in force shall be excluded for the purpose calculating the period of tenancy of a non-agricultural tenant. This is st so far as landlords are concerned. I admit that. But there is the her side of it. Sir, in ordinary circumstances in very few cases eject- ents are sought by the landlords. Even if there were no Act or law as ovided in the Bengal Non-Agricultural Tenancy (Temporary Provisions) t, most of the tenants whose period of tenancy was less than 12 years hen that Act came into force could not have been, in ordinary circums- nces, ejected and they would have completed the period of 12 years in e meantime. And that would have entitled them to the rights of a per- anent tenant. Now after the passing of this Bill and when this Bill will come an Act, this clause 8A being retained in it, landlords will be mpted to bring ejectment suits against the tenants because this Bill is ing to give them more permanent rights. So, Sir, by retaining this ause more harm will be done to the tenants than what could be done by e landlords. It will be very prejudicial to the interests of the tenants ho had acquired the rights of a permanent tenant in the meantime.

Then, Sir, there is another aspect of the matter which should be seri- isly considered because by the passing of the Bengal Non-Agricultural enancy (Temporary Provisions) Act hopes were created in the minds of e people that permanent rights were going to be conferred upon e tenants. So in that hope many people have purchased lands from nants who had acquired in the meantime 12 years' possession and their ghts—the rights of the purchasers and the transferees will be jeopardised this clause 8A be retained. So it is in the fitness of things, having gard to the object of this Bill and having regard to the progressive fea- ures of this Bill that this clause 8A should not be retained but deleted. would request the Hon'ble Minister in charge of the Bill that he should ot press this clause to vote but accept my contention that this clause ould be deleted.

Mr. DHIRENDRA NATH DATTA: Sir, I want to speak in support f my friend, Mr. Bhandari.

Mr. SPEAKER: But, Mr. Datta, it would not be proper for you to o so.

Mr. DHIRENDRA NATH DATTA: Why, Sir?

Mr. MUHAMMAD ISRAIL: Let there be a short-notice amendment this clause, and then Mr. Datta can speak.

Mr. SPEAKER: Mr. Datta, I have allowed you to speak against this lause and you have done it.

Mr. CHARU CHANDRA BHANDARI: My contention is that by an mendment one particular clause may be deleted.

Mr. DHIRENDRA NATH DATTA: There is no harm, Sir, if I speak in support of my friend.

Mr. MUHAMMAD ISRAIL: I should like to know whether any motion has been moved formally for the deletion of the clause. Otherwise, how can he speak on the deletion of clause 8A.

Mr. SPEAKER: So long as clause 8A is before the House, it is by itself a motion, and you can speak for or against it and it will be put to vote for acceptance or rejection by the House.

The Hon'ble Mr. FAZLUR RAHMAN: I agree with you, Sir, for the motion before the House is that clause 8A stand part of the Bill.

Mr. MUHAMMAD ISRAIL: Sir, my point is that there should be a formal motion that clause 8A be deleted. If the Opposition want deletion of the clause let them move a formal motion to that effect, and then speak on that motion and have a debate.

Mr. SPEAKER: But when the clause is before the House, it is by itself a motion; otherwise, what is the meaning of putting the clause to vote. Some members may vote for it and some against it, and that they are entitled to do If that is so, those members who will vote against the motion have got the right to speak against the clause also.

Mr. MUHAMMAD ISRAIL: But a vote can be taken definitely if there is a definite motion for the deletion of the clause itself.

Mr. SPEAKER: When the motion will be put like this that clause 8A stand part of the Bill, that is a motion.

Mr. MUHAMMAD ISRAIL: It may be that clause 8A may be amended, and a motion may be put that the clause, as it is, be deleted. Then there may be an amendment agreed to by the House and it may be that clause 8A, as amended, stand part of the Bill. In that way one who has moved for the deletion of the clause may not agree to the motion that may be put after the acceptance of an amendment. So I think there should be a formal motion for deletion.

Mr. SPEAKER: But members can speak generally for or against the motion, and I have allowed it.

The Hon'ble Mr. FAZLUR RAHMAN: After the Speaker has given a ruling I do not think it is necessary to pursue that point further. Before the debate is allowed to proceed, however, I would suggest to you that there is a short-notice amendment to clause 8A that may be moved by Mr. Aulad Hossain Khan. This may be allowed, Sir, and then the debate may proceed.

Mr. AULAD HOSSAIN Khan: Mr. Speaker, Sir, with your permission I beg to move a short-notice amendment. I move that in clause 8A the word "or" at the end of sub-clause (*b*) be omitted, and that sub-clause (*c*) be omitted.

Mr. DHIRENDRA NATH DATTA: Sir, I only speak against the motion that clause 8A do stand part of the Bill. I want, Sir, practically the deletion of the clause. The reason is clear. Of course, by the introduction of the Act IX of 1940 many landlords have been debarred from instituting a suit for eviction from the land but at the same time it is clear to you, Sir, that there are many cases in which, before the Act was introduced, after the expiry of the lease the landlord was willing to grant further extension of the lease but on account of the Act IX of 1940 the landlord subsequently has not given further extension of the lease. If the landlord had given further extension of the lease by accepting a written

lease from the tenant then the tenant would have been in possession for more than 12 years and would have acquired a permanent right therein. On account of the introduction of Act IX of 1940 the tenants have been denied that right. I know there are landlords who would have instituted suits for eviction, the tenants also would have been denied the right of permanency on account of the introduction of Act IX of 1940. So, in calculating the period there should not be an exclusion, as contemplated by clause 8A of the Bengal Non-Agricultural Tenancy Bill. We shall calculate from the beginning and if it is found on calculation that a person is in possession for more than 12 years he would have acquired the right as contemplated by clause 6 of the Bill and if he is in possession for less than 12 years he would have acquired the right as contemplated by clause 8 of the Bill. So, this clause 8A, as it stands, would be iniquitous in respect of many tenants. Government's intention is that they want to do justice to the landlords but thereby they would be doing injustice to the tenants. I therefore move that clause 8A be deleted and I think that this clause 8A should not form part of the Bill.

Mr. SURESH CHANDRA DAS GUPTA: মাননীয় সভা প্রমুখ মহোদয়, শ্রীযুত চারু চন্দ্র ভান্ডারী মহাশয় যে প্রস্তাব উপস্থিত করেছেন যে Bengal Non-agricultural Tenancy Billএর 8A ধারাটা উঠিয়ে দেওয়া উচিত, সে প্রস্তাব আমি সমর্থন করবার জন্য দাঁড়িয়েছি। এই ধারাটায় যে বিষয়টা সন্নিবেশিত করা হয়েছে সেটা আমাদের কাছে অদ্ভুৎ বলে মনে হয়। Bengal Non-agricultural Temporary Provision Act, যেটা আছে তাতে করে একটা ব্যবস্থা করা হয়েছিল যে প্রজাদের এই একটা স্বত্ব দেওয়া হ'ল, একটা অধিকার দেওয়া হল যা' থেকে জমিদার তাদের উচ্ছেদ করতেপারবে না। সে আইন যতদিন পর্য্যন্ত বলবৎ থাকবে ততদিন পর্য্যন্ত তাদের উচ্ছেদ করতে পারবে না কিন্তু যদি সে আইনের বলে তারা এতদিন জমি দখল করার পরে আজকে নূতন করে আইন করে তাদের যে উচ্ছেদ না হ'বার অধিকার দেওয়া হয়েছিল সেটা কেড়ে নেওয়া হয় তা'হ'লে তাদের এ ভরসা দেওয়া হ'ল কেন? সাধারণ ভাষায় ইংরাজীতে যাকে বলে vulgar সে ভাষায় উপমা দিয়ে বলতে গেলে বলতে হয় আমাদের দেশে অনেকে কুকুরকে ভাত দেখিয়ে ডেকে আনে কিন্তু যখন সে সামনে আসে খেতে তখন তার মাথায় বাড়ি মেরে তাড়িয়ে দেয়। বাংলার সেই উপমার ন্যায় এই vulgar ব্যবস্থা যাঁরা করেছেন তাঁরাও তেমনি vulgar. জমি যারা এতদিন দখল করেছে তাদের আর উচ্ছেদ করতে পারবে না প্রজারা এই ভরসায় জমিতে বসে আছে এবং তারা ভেবেছে যেটা দখল করা হয়েছে সেটায় তাদের স্বত্ব জন্মেছে অধিকার জন্মেছে এবং সেটা তার থেকেই যাবে। আজকে হঠাৎ মন্ত্রীমহাশয় এই আইনের এই ধারাটা দিয়ে তাদের বলে দিলেন যে তোমাদের যে অধিকার দিয়েছিলাম সে অধিকার থেকে বঞ্চিত করলাম। তাদের অপরাধ কি, কি কারণে তাদের বঞ্চিত করা হ'ল সে কথাটা বিবেচনা করা হ'ল না। (A VOICE FROM THE CONGRESS PARTY: কেউ শুনছে না), শুনবার জন্য আমি বলছি না।

মাননীয় সভা প্রমুখ, এরা বলছেন আমার কথা কেউ শুনছে না। আমরা শুনবার জন্য বলি না। বলতে হয় তাই বলি। যাঁদের কান আছে তাঁরা শুনবেন এবং যাঁদের কান নেই শুনবেন না।

এখানে যদি কারণ দিতেন, এই ধারাটাতে এমন কোন কারণ দেওয়া থাকত যে দেশে এমন একটা অবস্থার সৃষ্টি হয়েছে যে প্রজা এবং জমিদারদের মধ্যে নূতন ভাবের উৎপত্তি হয়েছে যার জন্য আজকে প্রজার সে উচ্ছেদ না হবার অধিকার রাখবার কারণ নেই তা'হ'লে বুঝতাম এটার দরকার আছে। কিন্তু কোন কারণ না দিয়ে চিরদিনের অধিকার থেকে বঞ্চিত করা হ'চ্ছে, হঠাৎ আজকে তারা বল্লেন আইনে যা' দিয়েছিলাম তা বাতিল করে দিয়ে জানিয়ে দিচ্ছি তোমাদের এই জমিতে আর কোন অধিকার থাকবে না। কিছু সময় আগে মিঃ ইসরাইল একটা ধারা সম্বন্ধে বলেছেন যে মামলা মকদ্দমা টেনে আনা হ'বে। মামলা মকদ্দমার যদি ভয় করেন তা'হ'লে আমি বলবো এই ধারাটা রেখে আরও মামলা মকদ্দমার সৃষ্টি করার কি প্রয়োজন আছে? আমি জানি না মেম্বরদের ভিতর যাঁরা ওকালতি করতে চান তাঁরা আরও মামলা মকদ্দমা বেড়ে যাক এটা চান কিনা। আমরা যাঁরা ওকালতির পাঠ শেষ করেছি তারা এটা নিশ্চয়ই চাই না। তাই বলছি এই ধারাটা টেনে আর মামলা মকদ্দমার সৃষ্টি করা উচিত নয়, এটা উঠিয়ে দেওয়া সর্ব্বতোভাবে কর্ত্তব্য।

Clause 13.

Mr. GANENDRA CHANDRA BHATTACHARJEE: Sir, I beg to move that in clause 13, line 5, after the words "any period" the words "not less than six years" be inserted.

এই clause 13 তে আছে—"Notwithstanding anything elsewhere contained in this Act or in any other law for the time being in force or in any contract, if the non-agricultural land comprised in any tenancy is held specifically for any religious purpose for any period under a lease in writing.....etc."

এই "any period" কথাটা এর মধ্যে থাকাতে অত্যন্ত অসুবিধা হয়েছে। আইনে যদি এই "any period" অস্পষ্ট হয়ে থাকে তাহলে ভবিষ্যতে অনেক অসুবিধা সৃষ্টি হওয়ার আশঙ্কা আছে। কারণ "any period" কোর্টে যে কোনভাবে interpret হতে পারে। এই any period এক দিন হতে পারে, এক বছর হতে পারে, পাঁচ বছর হতে পারে, দশ বছরও হতে পারে। কাজেই এতে গুরুতর অসুবিধা সৃষ্টি হবে। আর এই আইনে এটাকে বলা হয়েছে any periodএর জন্য।

(Noise from ministerialist benches.)

Sir, what is the good of putting all these arguments if they do not care to listen to me?

Mr. SURESH CHANDRA DAS GUPTA: They are sure that your amendment will not be accepted.

Mr. GANENDRA CHANDRA BRATTACHARYA: এই amendment এর মধ্যে major minor amendment নাই। এই amendment সম্বন্ধে যা বলছি কথাটা হচ্ছে এই যে আইনের ভেতর "any period" এই রকম একটা vague term রাখলে সকলেরই অসুবিধা হবে। কেবল কতকগুলো মামলা মোকদ্দমার সৃষ্টি হবে। কারণ এই আইনে any period in section 6এ সমস্ত অধিকার দেওয়া হয়েছে। সেখানে section 6এ আছে আপনারা দেখুন যে tenant দের সহজে উচ্ছেদ করা যাবে না। শুধু তাই নয় তাতে proviso ও বিলে আছে যে tenant ইচ্ছা করলে জমি হস্তান্তর করতে পারবে। যে জমি তাকে হস্তান্তর করতে দেওয়া হ'ল, তার অবস্থাটা কি? ধরুন আমাদের হিন্দু সমাজে অনেক বারোয়ারী পূজা হয় তিন দিন। কালীপূজা, দুর্গাপূজা, চৈত্রমাসে চড়কপূজা হয় এসব উৎসবে জমি চেয়ে নেওয়া হয় অনেক সময় জমিদারের পক্ষ হতে লিখে দেওয়া হল হ্যাঁ, তোমরা পূজা কর। তিন দিনের জন্য হয়ত পূজা করা হ'ল। তখন এই any period থাকায় তাদের ঐ তিন দিনেই জমিতে অধিকার হয়ে যাবে। তাহ'লে এই আইন হ'লে পরে তখন আর আশঙ্কায় এই সব পূজার জন্য কোন landlord জমি দেবে না। আমি জানি না মুসলমান সমাজে এই রকম ব্যবস্থা আছে কিনা। আমি হিন্দু সমাজের কথা বলব কোন specific religious purpose যেমন দুর্গাপূজা, কালীপূজা, চড়কপূজার জন্য যদি এক দিন বা দুদিনের জন্য জমি নেওয়া যায়, তাহ'লে কি সেটা চিরন্তন স্বত্ব হয়ে থাকবে? তাহ'লে ভবিষ্যতে ত আর কেউ ঐ রকম কোন উদ্দেশ্যে জমি দেবে না, একটা গুরুতর সমস্যার সৃষ্টি হবে। আর যদি দেয় তাহ'লে আইনতঃ জমিতে তার অধিকার হয়ে যাবে। আমি জানি না এমনতর বিধান দৃষ্টির ভুলে করা হয়েছে কিনা! Any periodএর জায়গায় যদি এই অংকটা বসিয়ে দেওয়া যায় specific period তবে ভাল হয়। আইনে চায়, আইনের উদ্দেশ্য ধর্ম্ম কাজের জন্য যদি কোন জায়গা ব্যবহৃত হয় তাহলে সেটা কেড়ে নেওয়া যাবে না। কিন্তু সেটা হবে স্থায়ীভাবে কোন ধর্ম্ম কাজের জন্য যদি হয়। কাজেই সেটা limited periodএর জন্য হতে পারে। ধরুন যদি ছ'বছরের জন্য ধর্ম্মকাজে কোন জমি দেওয়া হয় যেমন মন্দির বা মসজিদ হয়, তাহ'লে ছ'বছরের পর আর উঠবে না। সেই রকম ছ'বছরের আইন করে দিলে এই আইনের উদ্দেশ্য সিদ্ধ হয়ে যাবে। তা না করে এই any period রাখলে খুব অসুবিধার সৃষ্টি হবে। তাই আমার মনে হয় এটা দেখবার ভুল। আমি আশা করি হাউসের সকলে আমার এই সংশোধন প্রস্তাবটি গ্রহণ করবেন।

Mr. SURESH CHANDRA DAS GUPTA: মাননীয় সভাপ্রমুখ মহোদয়, I beg to move that in the proviso to clause 13, line 5, the words "for more than a year" be added.

এখানে কোন সময় নির্দ্ধারিত করা নেই। কোন religious কাজ না করলেও উচ্ছেদ হ'তে পারে। আবার দুই মাস, এক বৎসর, পাঁচ বৎসর কি দশ বৎসর ধর্ম্ম কাজ করলেও উচ্ছেদ করা যাবে না। সে জন্য আমি মনে করি নির্দ্দিষ্ট সময় দেওয়া উচিত। আমি মনে করি এক বৎসর পর্য্যন্ত যদি ধর্ম্ম কাজ না করে তা'হ'লে ধরে নিতে হ'বে যে সেখানে ধর্ম্ম কাজ করতে চায় না। সুতরাং ধর্ম্মের জন্য সে জিনিষটা দেওয়া হয়েছে সেটা থাকবার প্রয়োজন নেই। সেটা ছেড়ে দিতে হবে। Land Acquisition Actএ আছে যে কোন purposeএর জন্য land acquisition করে নিলে সে specfic purpose এর জন্য যদি সেটা ব্যবহার না করা হয় তা'হ'লে Government এর অধিকার থাকে সে জমিটা তার কাছ থেকে নিয়ে নেওয়ার তাকে সে জমি আর দেওয়া হয় না। এখানে যদি বিশেষ ধর্ম্ম কাজের জন্য নেওয়া হয়ে থাকে এবং সেটা যদি সে কাজের জন্য ব্যবহার না করে তা'হ'লে সেটা তার কাছ থেকে কেড়ে নেওয়া যুক্তিযুক্ত কথা, আর সময় সম্বন্ধে এটা যদি পরিষ্কারভাবে লেখা না থাকে তাহ'লে এ নিয়ে মামলা মকদ্দমার ফ্যাসাদ হ'তে পারে। আমি মনে করি এটা থাকা উচিত যে যদি এক বৎসরের মধ্যে যে ধর্ম্ম কাজের জন্য নিয়েছিল সেই কাজের জন্য যদি ব্যবহার না করে তাহ'লে বোঝা যাবে যে, সে আর ওটা সে কাজের জন্য ব্যবহার করবে না। কাজেই আমি অনুরোধ করি আমার সংশোধন প্রস্তাবটা গ্রহণ করবেন।

Clause 13-I.

Mr. H. A. LUKE: Sir, I beg to move that in clause 13-I, lines 9 and 10, the commas and words, ", subject to such provisions as may be prescribed in this behalf," be omitted.

In our opinion these words make the clause much too indefinite.

Mr. SURESH CHANDRA DAS GUPTA: মাননীয় প্রমুখ মহোদয়, I beg to move that the following proviso be added to clause 13-I, namely:—

"Provided that when the landlord sublets his lands in parcels the total rent of all the parcels should not exceed the whole rent paid by the landlord by one ane one-half; but if a parcel is in the khas possession of the landlord a proportion rent should be found out for it and should be taken into consideration in computing the total rental of all the parcels."

মাননীয় প্রমুখ মহোদয়, এই clause 13-Iএ যে ব্যবস্থা আছে তাতে লেখা হয়েছে sub-tenant এর কাছ থেকে জমির যিনি landlord তিনি খাজনা দেড় গুণের বেশী পেতে পারেন না। Tenancyর সব জমি সম্পূর্ণভাবে যদি under-tenantএর কাছে পত্তন করা হয়, তাহলে এই জিনিষটা ধরবার পক্ষে খুব সুবিধা হয়। Tenancyতে যতগুলি জমি আছে সেই জমিগুলি যদি ভাগ ভাগ করে পত্তন করা হয় তাহ'লে তখন বিপদ হয় কেবল একজন প্রজার নামে মামলা করলে, কি করে প্রমান করা যাবে যে বাস্তবিক তিনি যে খাজনা দেন তার দেড়গুণের বেশী জমিদার গ্রহণ করেন না। তাঁর জমির খানিকটা অংশ জমিদারের খাসদখলে রয়েছে, অথচ অন্য লোকের কাছ থেকে বেশী খাজনা নিচ্ছেন এই সব evidence shut out করা হতে পারে। সেই জন্য আমি প্রস্তাব করছি যে এই whole tenancy ভাগ ভাগ করে বিভিন্ন লোকের কাছে পত্তন করে ও জমিদার নিজের খাসদখলে কিছু রেখে দেন, তাহ'লে যদি কোন প্রজার খাজনার মোকদ্দমায় এই প্রশ্ন ওঠে, তবে তিনি সব খাজনার পরিমান জানিয়ে দেখাতে পারবেন যে তিনি যে খাজনা দেন তার চেয়ে দেড় গুণের বেশী নিচ্ছেন না। আর প্রজাও দেখাতে পারবে যে তিনি তার দেয় খাজনার দেড় গুণের বেশী সমস্ত জমি হ'তে পাচ্ছেন কিনা।

এর পর আমি নতুন একটা short notice amendment পড়ছি:—

Sir, I beg to move by way of amendment that clause 13-I be renumbered as sub-clause (*1*) of clause 13-I and to the said clause as so renumbered, the following be added, namely:—

"(*2*) For the purposes of sub-section (*1*) the rent for the time being payable in respect of the non-agricultural land comprised in the tenancy of an under-tenant by the tenant under whom such under-tenant holds shall in the case where such under-tenant has been admitted to the occupation of only a portion of the land comprised in the tenancy of such tenant be determined in such manner as may be prescribed."

টা গ্রহণ করা হবে বলে আমি আশা করছি। কাজেই আমার নিজেরটা move করলাম না।

Mr. H. A. LUKE: Sir, I beg to move that at the end of claue 13-I the following proviso be added, namely:—

"Provided that the limit imposed by this section shall not apply in the case of an enhancement on the ground of a landlord's improvement."

(At this stage the House was adjourned for fifteen minutes.)

(After adjournment.)

Clause 8

Mr. SPEAKER: Mr. Sinha, amendment No. 103 on clause 8 stands in your name. Do you move it?

Mr. BIMAL CHANDRA SINHA: Let me find out. No, Sir, I do not move it.

Mr. SPEAKER: Do you move amendment No. 110?

Mr. BIMAL CHANDRA SINHA: No, Sir.

The Hon'ble Mr. FAZLUR RAHMAN: Sir, amendment No. 96 which was moved by Mr. Dhirendra Nath Datta has been given up and he has moved a short-notice amendment. In view of that I need not reply to amendment No. 96. Mr. Fazlur Rahman has moved a motion which is similar to that of Mr. Dhirendra Nath Datta's, but the difference is that in the last proviso and also in (*iii*) mention of "(*c*)" is omitted in Mr. Fazlur Rahman's amendment. Now it means that the tenant who is under a lease in writing but no term is specified in such lease, will not be evictable. It comes to that. But Mr. Datta wanted to have them evicted on payment of compensation and also on the payment of a *salami*, but I think the position is not quite fair. The position taken up by Mr. Datta with regard to this is not quite fair. Non-specification of the terms in the written lease suggests that there was no such intention on the part of the landlord that he should be evicted provided he pays his rent regularly. Therefore I oppose the amendment of Mr. Dhirendra Nath Datta and accept the amendment of Mr. Fazlur Rahman.

The motion of Mr. Dhirendra Nath Datta that for clause 8, the following be substituted, namely:—

"8. Notwithstanding anything contained in any other law for the time being in force or in any contract if any non-agricultural land has been held for a term of more than one year but less than twelve years then a non-agricultural tenant holding such land shall be liable to ejectment on one or more of the following grounds and not otherwise, namely:—

(*i*) on the ground that he failed to pay an arrear of rent due to the landlord in respect of the land comprised in the tenancy;

(*ii*) on the ground that he used the land in a manner which renders it unfit for the purposes of the tenancy or that he has broken a condition consistent with this Act and on the breach of which he is under the terms of a contract between himself and his landlord liable to be ejected;

(*iii*) on the ground that he has refused to agree to pay a fair and equitable rent as determined under section 13A;

(*iv*) on the ground that he has failed to pay the *salami* as may be agreed upon between the landlord and tenant or if they do not agree as may be determined by the court on the application of of the landlord or such tenant:

Provided that the amount of *salami* shall in no case exceed ten *per centum* of the market value of the land.

Provided further that it shall not be lawful for the landlord to eject the tenant except after having given him a notice the period of which shall in no case be less than six months."

was then put and lost.

The motion of Mr. Dhirendra Nath Datta that for sub-clause (*1*) of clause 8 the following be substituted, namely:—

"(*1*) Notwithstanding anything contained in any other law for the time being in force or in any contract, if any non-agricultural land has been held for a term of more than one year but less than twelve years—

(*a*) under a lease in writing for a term of more than one year and less than twelve years to which the provisions of clause (*5*) of section 6 do not apply, or

(*b*) without a lease in writing, or

(*c*) under a lease in writing but no term is specified in such lease,

then the tenant holding such non-agricultural land shall be liable to ejectment on one or more of the following grounds and not otherwise, namely:—

(*i*) on the ground that he has used such land in a manner which renders it unfit for use for any of the purposes specified in section 3A;

(*ii*) on the ground that the term of the lease has expired in the case of tenancies of the class specified in clause (*a*);

(*iii*) on the ground that the tenancy has been terminated by the landlord by six months' notice in writing expiring with the end of a year of the tenancy served on the tenant in the prescribed manner in the case of tenancies of the classes specified in clauses (*b*) and (*c*):

Provided that a tenant shall not be liable to ejectment on the ground specified in clause (*iii*) except on payment of such reasonable compensation as may be agreed upon between the landlord and the tenant or if they do not agree, as may be determined by the Court on the application of the landlord or such tenant:

Provided further that in the case of tenancies of the class specified in clause (*c*) no tenant shall be liable to ejectment on the ground specified in clause (*iii*) if he agrees to pay to the landlord such premium or *salami* which shall in no case exceed fifteen times the annual rent of such tenant or if they do not agree as may be determined by the Court on application of the landlord or such tenant."

was then put and lost.

The motion of Mr. Fazlur Rahman that for sub-clause (*1*) of clause 8, the following be substituted, namely:—

"(*1*) Notwithstanding anything contained in any other law for the time being in force or in any contract, if any non-agricultural land has been held for a term of more than one year but less than twelve years—

(*a*) under a lease in writing for a term of more than one year and less than 12 years to which the provisions of clause (*5*) of section 6 do not apply, or

(*b*) without a lease in writing, or

(*c*) under a lease in writing but no term is specified in such lease,

then the tenant holding such non-agricultural land shall be liable to ejectment on one or more of the following grounds and not otherwise, namely:—

(*i*) on the ground that he has used such land in a manner which renders it unfit for use for any of the purposes specified in section 3A;

(*ii*) on the ground that the term of the lease has expired in the case of tenancies of the class specified in clause (*a*);

(*iii*) on the ground that the tenancy has been terminated by the landlord by six months' notice in writing expiring with the end of a year of the tenancy served on the tenant in the prescribed manner in the case of tenancies of the class specified in clause (*b*);

Provided that a tenant shall not be liable to ejectment on the ground specified in clause (*iii*) except on payment of such reasonable compensation as may be agreed upon between the landlord and the tenant, or if they do not agree, as may be determined by the Court on the application of the landlord or of such tenant."

was then put and agreed to.

The question that clause 8, as amended, stand part of the Bill was then put and agreed to.

Clause 8A.

Mr. BIMAL CHANDRA SINHA: Sir, I beg to move that in clause 8A, line 16, after the word "Act" the expression "and of the Bengal Non-Agricultural Tenancy (Temporary Provisions) Extending Act, 1947" be inserted

I think this is a very small amendment, nevertheless a very reasonable amendment, because in that section, Sir, you find that when any non-agricultural land has been held by a tenant since before the commencement of the Bengal Non-Agricultural Tenancy (Temporary Provisions) Act, 1940, then in calculating for the purposes of sections 6 and 8 the period for which such land has been held by such tenant, etc., etc., would not be included. My object is that if you exclude the period for which such land has been held before the commencement of the Bengal Non-Agricultural Tenancy (Temporary Provisions) Act, 1940, it is only logical that you should extend it to the Bengal Non-Agricultural Tenancy (Temporary Provisions) Extending Act, 1947, that has been passed by this Legislature a few days ago, for, otherwise, the purposes of the Act as passed by the Legislature will be frustrated.

The Hon'ble Mr. FAZLUR RAHMAN: Sir, with regard to amendment No. 115 I think the amendment is unnecessary inasmuch as the substantive Act is that of 1940 while the extending Act of 1947 is an amending Act, and, as such, the change proposed is unnecessary.

With regard to amendment No. 116 moved by my esteemed friend, Mr. Dhirendra Nath Datta, I am really in a difficulty to understand his position. He took up the position that not only the landlord should get the benefit of it but he wanted to make it sure by his amendment No. 116 that the landlord does take advantage of clause 8A. But subsequently when he found that perhaps Government would not be prepared to accept amendment No. 116, he says that he does not like this clause 8A in the interest of the tenant.

Mr. DHIRENDRA NATH DATTA: Because I was subsequently convicted by the arguments put forward.

The Hon'ble Mr. FAZLUR RAHMAN: Sir, the Select Committee opposed this proviso and introduced section 8A because they thought that in the 1940 Act it has been provided that this period will not be taken into consideration in fixing the period of limitation or the period in which the right may accrue. But, Sir, when Mr. Dhirendra Nath Datta puts forward the proposition that clause 8A is not in the interest of the tenant, I find that there is an unanimity of opinion between the supporters of Government and the Congress and, as such, I am prepared to accept his proposition and drop clause 8A.

In view of what I have just stated I would rather request Mr. Aulad Hossain Khan to withdraw his amendment.

Mr. AULAD HOSSAIN KHAN: With your permission, Sir, I beg leave of the House to withdraw my amendment.

Mr. DHIRENDRA NATH DATTA: I also beg leave of the House to withdraw my amendment in view of what has just now been stated by the Hon'ble Minister.

Mr. BIMAL CHANDRA SINHA: In view of what has been stated, I also beg leave to withdraw my amendment.

All the amendments in the names of Mr. Aulad Hossain Khan, Mr. Dhirendra Nath Datta and Mr. Bimal Chandra Sinha were then withdrawn by the leave of the House.

The question that clause 8A stand part of the Bill was then put and lost.

Clause 13.

Mr. BIMAL CHANDRA SINHA: I beg to move that after the proviso to clause 13, the following new proviso be added, namely:—

"Provided further that notwithstanding anything elsewhere contained in this Act or in any other law for the time being in force or in any contract, if the non-agricultural land comprised in any tenancy, held specifically for any period not less than twelve years under a lease in writing in which such purpose is specified, becomes a source of grave or constant danger to public order and safety, then it shall be lawful for the landlord to apply to the Civil Court having ordinary jurisdiction over the area for the ejection of such tenant and the Court shall, if satisfied that such land comprised in such tenancy has become a source of grave or constant danger to public order and safety, forthwith order such ejection."

Sir, I am extremely reluctant to bring in this amendment but in the discussion stage in the Select Committee I made it specifically clear that we were not quite sure whether we should have to move an amendment on this point. I tried to make my position clear in the Select Committee. It is therefore with great reluctance that I put forward this amendment, for it is not our desire to make any discrimination on religious grounds. But taking an account of the facts that they are to-day I am sorry to state that it is true that in many cases there are sources of grave danger to public peace where the two communities might be living side by side or where there may be mosques or places of worship which may bring friction or social trouble. That is why I have tried to bring in this amendment that if any tenancy becomes a source of grave danger it shall be lawful for the landlord to apply to the Civil Court. I have not made any suggestion that there shall be ejection forthwith but I have placed the authority in the hands of the Civil Courts who may be in a position to judge whether a tenancy is a source of grave public danger. Therefore I have made

provision for application to Civil Court if an occupation by a tenant or by a landlord becomes a source of grave or constant danger to public order whereby the matter can be settled by the mechanism of the Civil Court.

The Hon'ble Mr. FAZLUR RAHMAN: Sir, I oppose amendments Nos. 118 and 119. It is not desirable that in the lease where religious purpose has been specifically mentioned, any period should limit the exercise of the use of religious functions of the mosques or the temples.

With regard to amendment No. 120, I am afraid this will not improve matters at all. Supposing the landlord thinks that the mosque or the temple is a source of great danger and he goes to Civil Court and gets the tenant ejected. But the mosque is there, or the temple is there and will remain a source of danger and if anybody wants to break that temple or that mosque then perhaps instead of bloodshed being prevented, as suggested by my friend Mr. Sinha, there will be more bloodshed. Though I sympathise with his amendment I think that the amendment will not improve matters, and in view of this I oppose amendment No. 120.

Mr. BIMAL CHANDRA SINHA: May I request the Hon'ble Minister through you, Sir, if he accepts the principle of the amendment, can he suggest any other form so that things might be improved?

The motion of Mr. Ganendra Chandra Bhattacharyya that in clause 13, line 5, after the words "any period" the words "not less than six years" be inserted, was then put and lost.

The motion of Mr. Suresh Chandra Das Gupta that in the proviso to clause 13, line 5, the words "for more than a year" be added, was then put and lost.

The motion of Mr. Bimal Chandra Sinha that after the proviso to clause 13, the following new proviso be added, namely:—

> "Provided further that notwithstanding anything elsewhere contained in this Act or in any other law for the time being in force or in any contract, if the non-agricultural land comprised in any tenancy, held specifically for any period not less than twleve years under a lease in writing in which such purpose is specified, becomes a source of grave or constant danger to public order and safety, then it shall be lawful for the landlord to apply to the Civil Court having ordinary jurisdiction over the area for the ejection of such tenant and the Court shall, if satisfied that such land comprised in such tenancy has become a source of grave or constant danger to public order and safety, forthwith order such ejection.",

was then put and lost.

The question that clause 13 stand part of the Bill was then put and agreed to.

Clause 13A.

The question that clause 13A stand part of the Bill was then put and agreed to.

Clause 13B.

The question that clause 13B stand part of the Bill was then put and agreed to.

Clause 13C.

The question that clause 13C stand part of the Bill was then put and agreed to.

Clause 13D.

The question that clause 13D stand part of the Bill was then put and agreed to.

Clauses 13E to 13H.

Mr. SPEAKER: There is no amendment on clauses 13E to 13H. So I put all these clauses together.

The question that clauses 13E, 13F, 13G and 13H stand part of the Bill was then put and agreed to.

Clause 13-I.

The Hon'ble Mr. FAZLUR RAHMAN: Sir, with regard to amendment No. 138-141, I oppose the amendment. With regard to 142—the amendment as modified—which has been moved by Mr. Suresh Chandra Das Gupta, that I accept. With regard to 143-146, I oppose the amendment.

The motion of Mr. H. A. Luke that in clause 13-I, lines 9 and 10, the commas and words ", subject to such provisions as may be prescribed in this behalf," be omitted, was then put and lost.

The motion of Mr. Suresh Chandra Das Gupta that the following proviso be added to clause 13-I, namely:—

"Provided that when the landlord sublets his lands in parcels the total rent of all the parcels should not exceed the whole rent paid by the landlord by one and one-half: but if a parcel is in the khas possession of the landlord a proportion rent should be found out for it and should be taken into consideration in computing the total rental of all the parcels.",

was then put and lost.

The motion of Mr. Suresh Chandra Das Gupta that clause 13-I be renumbered as sub-clause (*1*) of clause 13-I and to the said clause as so re-numbered, the following be added, namely:—

"(*2*) For the purposes of sub-section (*1*) the rent for the time being payable in respect of the non-agricultural land comprised in the tenancy of an under-tenant by the tenant under whom such under-tenant holds shall, in the case where such under-tenant has been admitted to the occupation of only a portion of the land comprised in the tenancy of such tenant, be determined in such manner as may be prescribed.",

was then put and agree to.

The motion of Mr. H. A. Luke that at the end of clause 13-I the following proviso be added, namely:—

"Provided that the limit imposed by this section shall not apply in the case of an enhancement on the ground of a landlord's improvement.",

was then put and lost.

The question that clause 13-I, as amended, stand part of the Bill was then put and agree to.

Clause 13J.

Mr. H. A. LUKE: Sir, I beg to move that in clause 13-J after item (*a*) the following be inserted, namely:—

"(*a1*) on the ground that he has failed to pay an arrear of rent;

(*a2*) on the ground that he has refused to agree to pay the rent determined under section 13-I;"

Sir, I beg to move that for the proviso to clause 13J the following be substituted, namely:—

"Provided that in the case where any non-agricultural land is held by an under-tenant without a lease in writing or under a lease in writing but no term is specified in such lease, it shall be lawful for his landlord to eject him from such land on giving him six months' notice in writing expiring with the end of a year of the tenancy, and on payment of such reasonable compensation as may be agreed upon between the landlord and the under-tenant, or in the case where they do not agree, as may be determined by the Court on the application of the landlord or such under-tenant."

Mr. DHIRENDRA NATH DATTA: Sir, I beg to move that in the proviso to clause 13J, lines 7 to 13, the expression beginning with "expiring with the end of a year of the tenancy" and ending with "such under-tenant" be omitted.

Sir, my object in moving this amendment is clear. I know it is well known that this expression will give rise to litigation. I do not want to curtail the period of notice for giving rise to a number of litigations. I think if the intention is that the period be not curtailed, then this expression must be done away with

Mr. BIMAL CHANDRA SINHA: Sir, I beg to move that after the proviso to clause 13J the following new proviso be added, namely:

"Provided further that in the case where any non-agricultural land is held by an under-tenant under a lease in writing for a term of more than one year and less than twelve years it shall also be lawful for his landlord to eject him after having given him six months' notice in writing expiring with the end of a year of the tenancy and on payment of such reasonable compensation as may be agreed upon between the landlord and the under-tenant or in the case where they do not agree, as may be determined by the Court on the application of the landlord or such under-tenant."

Sir, the object of my moving this amendment is to bring the under-tenants at par with the tenants. In clause 8 we find that the tenants who hold land for less than 12 years but more than one year can be ejected after serving six months' notice and on payment of such reasonable compensation as may be agreed upon between them or if not agreed upon as may be settled by the Court. I think, Sir, that that provision should also apply to the under-tenants. That is why I am moving my amendment.

Mr. MAFIZUDDIN AHMED: Sir, may I have your permission to move short-notice amendments?

Mr. SPEAKER: Yes.

Mr. MAFIZUDDIN AHMED: Sir, I beg to move that in the proviso to clause 13J in lines 4 and 5 for the words "it shall not be lawful for his landlord to eject him from such land except" the words "it shall be also lawful for his landlord to eject him from such land" be substituted.

This is one amendment. I want to move another amendment.

Sir, I also beg to move that in sub-clause (*a*) of clause 13J in lines 4 to 8 the words "or that he has broken a condition consistent with this Act and on breach of which he is, under the terms of a contract between himself and his landlord, liable to be ejected" be omitted.

The Hon'ble Mr. FAZLUR RAHMAN: Sir, I oppose the amendment of Mr. Luke (153-56) as the grounds are opposed to the very scheme of

the Act. We cannot agree that the interest of the tenant will be ejectable on the ground of failure to pay an arrear of rent or on the ground of failure to pay the rent determined under section 13-I.

With regard to amendment No. 157-160 that also I oppose.

I also oppose amendment No. 163 moved by Mr. Sinha, because this will prejudicially affect the under-tenant.

With regard to the amendments moved by Government Party Chief Whip, Mr. Mafizuddin Ahmed, I accept those two amendments.

Mr. DHIRENDRA NATH DATTA: Sir, we have not understood the provisions of the short-notice amendments of Mr. Mafizuddin Ahmed. What do they mean? The implication of those amendments must be explained to us. Read the whole clause as it stands after your amendments.

Mr. MAFIZUDDIN AHMED: The proviso to clause 13J reads thus: "Provided that in the case where any non-agricultural land is held by an under-tenant without a lease in writing or under a lease in writing but no term is specified in such lease, it shall not be lawful for his landlord to eject him from such land except after having given him six months' notice and so and so." Now I want to substitute this part, viz., "it shall not be lawful for his landlord to eject him from such land except" by the words "it shall also be lawful for his landlord to eject him from such land" after having given him six months' notice.

Mr. SPEAKER: This is only a change of language, I think.

The Hon'ble Mr. FAZLUR RAHMAN: These amendments have been necessitated by the change which we have adopted with regard to the proviso in clause 8 which deals with holders of tenancies. We have brought these amendments in order to bring the under-tenants in line with the tenants, so that all the privileges which have been given to the tenants may also be given to the under-tenants. Therefore, these amendments are necessary.

Mr. BIMAL CHANDRA SINHA: Sir, I would request Government to explain one more point. The implication of this amendment is that it simply suggests this one method of ejecting him. Has there been any amendment which provides for alternate methods for ejection? If not, what is the implication of the word "also"? The amendment is "it shall also be lawful".

The Hon'ble Mr. FAZLUR RAHMAN: Under clause 8 as we have provided ejection can be done on the ground of non-payment of compensation and on giving six months' notice. Today we are providing that a tenant who has a tenancy under a lease in writing but no period is specified will not be ejected. That is to say in that case the question of compensation will not come in because he will not be ejectable at all. Here also the question of compensation or *selami* will not be coming in. Here simply the under-tenant has been brought at par with the tenant.

The motion of Mr. H. A. Luke that in clause 13J after item (*a*) the following be inserted, namely:—

"(*a1*) on the ground that he has failed to pay an arrear of rent.

(*a2*) on the ground that he has refused to agree to pay the rent determined under section 13-I;"

was then put and lost.

The motion of Mr. H. A. Luke that for the proviso to clause 13J the following be substituted, namely:—

"Provided that in the case where any non-agricultural land is held by an under-tenant without a lease in writing or under a lease in writing but no term is specified in such lease, it shall be lawful for his landlord to eject him from such land on giving him six months' notice in writing expiring with the end of a year of the tenancy, and on payment of such reasonable compensation as may be agreed upon between the landlord and the under-tenant, or in the case where they do not agree, as may be determined by the Court on the application of the landlord or such under-tenant."

was then put and lost.

The motion of Mr. Dhirendra Nath Datta that in the proviso to clause 13J, lines 7 to 13, the expression beginning with "expiring with the end of a year of the tenancy" and ending with "such under-tenant" be omitted, was then put and lost.

The motion of Mr. Bimal Chandra Sinha that after the proviso to clause 13J the following new proviso be added, namely:—

"Provided further that in the case where any non-agricultural land is held by an under-tenant under a lease in writing for a term of more than one year and less than twelve years it shall also be lawful for his landlord to eject him after having given him six months' notice in writing expiring with the end of a year of the tenancy and on payment of such reasonable compensation as may be agreed upon between the landlord and the under-tenant or in the case where they do not agree, as may be determined by the Court on the application of the landlord or such under-tenant,"

was then put and lost

The motion of Mr. Mafizuddin Ahmed that in the proviso to clause 13J, in lines 4 and 5, for the words "it shall not be lawful for his landlord to eject him from such land except" the words "it shall be also lawful for his landlord to eject him from such land" be substituted, was then put and agreed to.

The motion of Mr Mafizuddin Ahmed that in sub-clause (*a*) of clause 13J, in lines 4-8, the words "or that he has broken a condition consistent with this Act and on breach of which he is under the terms of a contract between himself and his landlord liable to be ejected" be omitted, was then put and agreed to.

The question that clause 13J, as amended, stand part of the Bill, was then put and agreed to.

Clause 13K.

Mr. SPEAKER: We now pass on to clause 13K.

Dr. PROTAP CHANDRA GUHA ROY: Sir, it is now 6-15, and it will be difficult for us to go home before curfew hours if we sit longer. So I would suggest that the House be adjourned now.

Mr. SPEAKER: I think curfew begins from 9 p.m.

Dr. PROTAP CHANDRA GUHA ROY: In some areas it begins at 7 p.m.

Mr. H. A. LUKE: Sir, I beg to move that for clause 13K the following clause be substituted, namely:—

"13K. The interest in any non-agricultural land of an under-tenant who dies intestate shall be transmitted by inheritance in the same manner as his other immovable properly, but subject to the provisions of section 13L shall not be transferable except with the consent of the landlord."

The Hon'ble Mr. FAZLUR RAHMAN: Sir, even under the existing Act non-agricultural holding is not transferable unless there is a contract to the contrary. That being so, there can be no question of restricting the right of the undertenants. So I oppose amendment No. 165.

The motion of Mr. H. A. Luke that for clause 13K the following clause be substituted, namely:—

"13K. The interest in any non-agricultural land of an under-tenant who dies intestate shall be transmitted by inheritance in the same manner as his other immovable property, but subject to the provisions of section 13L shall not be transferable except with the consent of the landlord"

was then put and lost.

The question that clause 13K stand part of the Bill was then put and agreed to.

Clause 13L.

The question that clause 13L stand part of the Bill was then put and agreed to.

Mr. DHIRENDRA NATH DATTA: Sir, the House may be adjourned now, because there may be difficulty of conveyance if we do not go now.

Mr. SPEAKER: All right.

Adjournment.

The House was then adjourned at 6-20 p.m. till 3-45 p.m. on Thursday, the 8th May, 1947, at the Assembly House, Calcutta.

Proceedings of the Bengal Legislative Assembly assembled under the provisions of the Government of India Act, 1935.

THE ASSEMBLY met in the Assembly House, Calcutta, on Thursday, the 8th May, 1947, at 3-45 p.m.

Present:

Mr. Speaker (the Hon'ble Mr. NURUL AMIN) in the Chair, 7 Hon'ble Ministers and 172 members.

STARRED QUESTION.

(to which oral answer was given)

Rehabilitation of refugees from Noakhali and Tippera.

***269. Mr. DHIRENDRA NATH DATTA:** (*a*) Will the Hon'ble Minister in charge of the Co-operation, Credit and Relief Department be pleased to state if it is a fact that on account of the communal disturbances and riots that took place in some portion of Noakhali and Tippera in the month of October, 1946, a large number of people left their homes and took refuge in different places of Noakhali and Tippera?

(*b*) Did the Government start any refugee camps in giving shelter to those refugees? If so, how many camps were opened by the Government?

(*c*) Is it a fact that there were many non-official relief camps?

(*d*) What is the number of refugees who had been served by the Government?

(*e*) Is the Government aware that large number of people in the districts of Tippera and Noakhali took shelter in the Tripura State and a large number of them had left the Province of Bengal and took shelter in different Provinces?

(*f*) If the answer to clause (*e*) is in the affirmative, has the Government taken any steps to bring them back to their houses in the districts of Noakhali and Tippera; if so, what steps had been taken? If not, why not?

(*g*) What is the expenditure incurred by this Government for refugees of the districts of Noakhali and Tippera of the Province?

Mr. MASIHUDDIN AHMED (on behalf of the Hon'ble Mr. A. F. M. Abdur Rahman): (*a*) and (*c*) Yes.

(*b*) Yes, 32 in the district of Tippera and 13 in the district of Noakhali.

(*d*) 39,152 in the district of Tippera and 38,557 in the district of Noakhali.

(*e*) Yes, in Tripura State and Assam only.

(*f*) Yes. The Rehabilitation Commissioner, Chittagong Division, and the Additional District Magistrate (Relief) visited Agartala in the Tripura State and persuaded the refugees to return home. Government have been granting free passage and rations to facilitate repatriation. Close contact was also maintained with the Government of Assam and instructions were frequently issued to encourage repatriation.

(*g*) A sum of Rs. 98,23,240 was sanctioned up to 31st March, 1947, for the refugees of Noakhali and Tippera in those districts and in Calcutta. As for the refugees who took shelter in other areas, no amount was specifically

sanctioned for them, and the expenditure was met out of the sum of Rs. 2,00,441 sanctioned to Collectors up to 31st March, 1947, for relief of people who went to those areas from Noakhali, Tippera and Calcutta.

Mr. MUHAMMAD HABIBULLAH CHAUDHURY: Will the Hon'ble Minister be pleased to state what amount was spent by the Tripura State and the Assam Government for the refugees of Noakhali and Tippera?

Mr. MASIHUDDIN AHMED: We have no such figure.

Mr. AMULYA CHANDRA ADHIKARI: With reference to answer (*c*) will the Hon'ble Minister be pleased to state the names of the non-official relief organisations working in Tippera and Noakhali?

Mr. MASIHUDDIN AHMED: I cannot say offhand.

Mr. BADIUZZAMAN MUHAMMAD ILIAS: Will the Hon'ble Minister be pleased to state whether it is a fact that majority of these refugees were forced to migrate from those places by the volunteers of a particular section or community only to show to the world the artificial magnitude of the situation?

Mr. MASIHUDDIN AHMED: Complaints to that effect were received by Government.

Mr. CANENDRA CHANDRA BHATTACHARJEE: Will the Hon'ble Minister be pleased to state the number of refugees who came to Calcutta from Noakhali and Tippera?

Mr. MASIHUDDIN AHMED: I cannot say offhand.

Mr. AMULYA CHANDRA ADHIKARI: With reference to answer (*f*) will the Hon'ble Minister be pleased to state if the presence of Mahatma Gandhi has to a great extent facilitated the rehabilitation work in Noakhali and Tippera?

Mr. MASIHUDDIN AHMED : That is a matter of opinion.

Mr. DHIRENDRA NATH DATTA: Will the Hon'ble Minister be pleased to state whether the Government of Assam has spent any amount for the refugees? Is the Government aware of it?

Mr. MASIHUDDIN AHMED: The Government of Assam has certainly spent some money for the refugees of Noakhali and Tippera, but Government is not aware of the amount.

Mr. DHIRENDRA NATH DATTA: Will the Hon'ble Minister be pleased to state whether the Government of Bengal contributed anything to the Government of Assam in respect of the cost incurred by them?

Mr. MASIHUDDIN AHMED: The Government of Assam has not demanded anything as yet from the Government of Bengal. If really any demand comes from that Government, surely that will be considered.

Mr. DHIRENDRA NATH DATTA: Will the Hon'ble Minister be pleased to state whether there are any refugee camps still in Assam?

Mr. MASIHUDDIN AHMED: Government is not aware of it.

Mr. MUHAMMAD HABIBULLAH CHAUDHURY: Arising out of answer (*g*) will the Hon'ble Minister be pleased to state what he means by "other areas"?

Mr. MASIHUDDIN AHMED: Other districts of Bengal.

Mr. MUHAMMAD HABIBULLAH CHAUDHURY: Will the Hon'ble Minister be pleased to state the names of the districts?

Mr. MASIHUDDIN AHMED: As a matter of fact, after the riots the refugees went to several places throughout the Province, might be somewhere in large number.

Mr. MUHAMMAD HABIBULLAH CHAUDHURY: I want the names of the districts.

Mr. MASIHUDDIN AHMED: I cannot give the names.

Mr. MAJIBAR RAHMAN: Is the Hon'ble Minister aware that some of the refugees in Noakhali after having taken relief and rehabilitation grants under different heads left the district of Noakhali out of political purposes?

Mr. MASIHUDDIN AHMED: Government is not aware of that.

Mr. DHIRENDRA NATH DATTA: Is there any refugee camp now in the district of Tippera or in the district of Noakhali?

Mr. MASIHUDDIN AHMED: There are a few refugee camps.

Mr. DHIRENDRA NATH DATTA: Will the Hon'ble Minister be pleased to state the number of refugees at this moment—in the month of May?

Mr. MASIHUDDIN AHMED: I cannot say offhand

Mr. JYOTI BASU: With reference to answer (*f*) will the Hon'ble Minister be pleased to state how many people were given free passage?

Mr. MASIHUDDIN AHMED: I cannot say offhand.

Mr. MUHAMMAD HABIBULLAH CHAUDHURY: Will the Hon'ble Minister be pleased to state how many refugees went to Belonia in Hill Tippera and where are they now?

Mr. MASIHUDDIN AHMED: I cannot answer offhand.

Mr. BIMAL CHANDRA SINHA: Will the Hon'ble Minister be pleased to state on what terms these relief grants were spent?

Mr. MASIHUDDIN AHMED: In answer to a question put yesterday details were given in a statement laid on the Library Table and different heads under "Relief" were given therein.

Mr. BIMAL CHANDRA SINHA: Will the Hon'ble Minister be pleased to state if it is a fact that these grants were insufficient and representation was made to that effect?

Mr. MASIHUDDIN AHMED: Government consider that the grants were quite sufficient.

Mr. BEJOY KRISHNA SARKAR: With reference to answer (*c*) will the Hon'ble Minister be pleased to state whether relief was given through non-official organisations?

Mr. MASIHUDDIN AHMED: Certainly.

Mr. BEJOY KRISHNA SARKAR: Will the Hon'ble Minister be pleased to state whether it is a fact that the workers of non-official organisations were sometimes harassed and arrested?

Mr. MASIHUDDIN AHMED: No. There were persons who under the garb of relief workers were doing something which, in the opinion of the local authorities, was unfair and they were prevented from doing so.

Mr. BEJOY KRISHNA SARKAR: Will the Hon'ble Minister be pleased to state whether it is a fact that the workers of non-official organisations were required to take permission from the Subdivisional Officer to go to the relief camps?

Mr. MASIHUDDIN AHMED: I am not aware.

Mr. CHARU CHANDRA BHANDARI: With reference to answer (*f*) will the Hon'ble Minister be pleased to state whether Government consider that the essential step for bringing back the refugees to their home is to restore confidence and a sense of security in their mind? And if the answer is in the affirmative, what steps have Government taken to bring back that sense of confidence in the mind of the refugees?

Mr. MASIHUDDIN AHMED: The real proof of bringing back confidence in their mind is the fact that they have repatriated to their homes in larger number.

Mr. NIHARENDU DUTT-MAZUMDAR: With reference to answer (*g*) will the Hon'ble Minister be pleased to state what sum out of the sum sanctioned, namely, Rs. 98,23,240, has actually been spent on the relief work of these refugees in Noakhali and Tippera?

Mr. MASIHUDDIN AHMED: As a matter of fact, over and above this money, Rs. 98,23,240, another huge sum has been spent.

Mr. NIHARENDU DUTT-MAZUMDAR : What is the amount of that huge sum?

Mr. MASIHUDDIN AHMED: This entire sum has been spent.

Mr. NIHARENDU DUTT-MAZUMDAR: What is the additional sum that has been spent in addition to Rs. 98 lakhs and odd?

Mr. MASIHUDDIN AHMED: I cannot give the figure.

Mr. NIHARENDU DUTT-MAZUMDAR: Will the Hon'ble Minister be pleased to state what officials or authorities were entrusted with disbursing these sums for the work of relief?

Mr. MASIHUDDIN AHMED: I refer the honourable member to my answer (*f*).

Mr. BIMAL CHANDRA SINHA: Will the Hon'ble Minister be pleased to state if it is a fact that in the absence of supply of building materials these grants were not at all useful?

Mr. MASIHUDDIN AHMED: That is not a fact.

Mr. BIMAL CHANDRA SINHA: Will the Hon'ble Minister be pleased to state if it is not a fact that only 50,000 sheets of corrugated iron were available, the total being one-tenth of what was estimated as required?

Mr. MASIHUDDIN AHMED: I am not aware of the details.

Mr. BIMAL CHANDRA SINHA: Will the Hon'ble Minister be pleased to state if it is not a fact that instead of granting those corrugated iron-sheets in fulfilment of one particular individual's requirement, everybody was granted one-tenth of what he needed?

Mr. MASIHUDDIN AHMED: Government is not aware of such a state of affairs.

Mr. BIMAL CHANDRA SINHA: Will the Hon'ble Minister be pleased to state if it is a fact that corruption and maladministration went about in the distribution of corrugated iron-sheets?

Mr. MASIHUDDIN AHMED: No, Government is not aware of it.

Mr. NIHARENDU DUTT-MAZUMDAR: Will the Hon'ble Minister be pleased to state, with reference to his last answer referring me to answer (*f*), as to whether he means that the Rehabilitation Commissioner, Chittagong Division, was the official entrusted to disburse relief sums out of the amounts sanctioned?

Mr. MASIHUDDIN AHMED: The Commissioner, Chittagong Division, the Rehabilitation Commissioner, Chittagong Division, Additional District Magistrates and other officials there were entrusted with this work of disbursing these relief grants.

Mr. BANKU BEHARI MANDAL: Will the Hon'ble Minister be pleased to state what amount was handed over to the District Magistrate of Bankura for the refugees that are stationed in the district of Bankura?

Mr. SPEAKER: That does not come within the purview of this question.

Mr. AMULYA CHANDRA ADHIKARY: Will the Hon'ble Minister be pleased to state if he is aware that the sum granted for rebuilding houses is quite insufficient for the purpose even of purchasing the minimum materials for building houses?

Mr. MASIHUDDIN AHMED: Government consider it quite sufficient.

Mr. NIHARENDU DUTT-MAZUMDAR: Will the Hon'ble Minister be pleased to state when was the office of the Rehabilitation Commissioner created and when was an officer posted as Rehabilitation Commissioner of Chittagong Division?

Mr. MASIHUDDIN AHMED: I want notice.

Mr. NIHARENDU DUTT-MAZUMDAR: Will the Hon'ble Minister be pleased to state as to whether relief operations were taking place before the appointment of any Rehabilitation Commissioner or not?

Mr. MASIHUDDIN AHMED: Relief operations had actually taken place as soon as the riot broke out.

Mr. NIHARENDU DUTT-MAZUMDAR: My question was whether there was any Rehabilitation Commissioner in existence when the relief operations had started?

Mr. MASIHUDDIN AHMED: I ask for notice.

Mr. NIHARENDU DUTT-MAZUMDAR: Who would be the officer responsible for the disbursement of sums during that period?

Mr. MASIHUDDIN AHMED: I have already said that I want notice.

Mr. AMULYA CHANDRA ADHIKARI: Will the Hon'ble Minister be pleased to state if the post of Rehabilitation Commissioner, Chittagong Division, has already been abolished?

Mr. MASIHUDDIN AHMED: Yes, the post has been abolished.

Mr. AMULYA CHANDRA ADHIKARI: Will the Hon'ble Minister be pleased to state the date when this particular post was abolished?

Mr. MASIHUDDIN AHMED: I cannot give the exact date.

Mr. AMULYA CHANDRA ADHIKARI: Will the Hon'ble Minister please give an approximate date?

Mr. MASIHUDDIN AHMED: I cannot give that.

Mr. NIHARENDU DUTT-MAZUMDAR: Will the Hon'bl Minister be pleased to state whether it is in connection with distribution o relief for the purpose of building houses in distributing corrugated iro sheets and other things that one of the Parliamentary Secretaries has bee prosecuted?

Mr. SPEAKER: That question does not arise.

Mr. NIHARENDU DUTT-MAZUMDAR: My question is——:

Mr. SPEAKER: I have followed you. I have been following sinc the question was put by Mr. Sinha.

Mr. NIHARENDU DUTT-MAZUMDAR: Whether rehabilitatio work is being done for the purpose of expeditiously building the house destroyed in Noakhali and Tippera?

Mr. MASIHUDDIN AHMED: Certainly.

Mr. NIHARENDU DUTT-MAZUMDAR: Will the Hon'ble Ministe be pleased to state whether corrugated sheets are being supplied for tha purpose?

Mr. MASIHUDDIN AHMED: I do not know exactly what i supplied.

Mr. NIHARENDU DUTT-MAZUMDAR: What materials ar being supplied for re-building those houses?

Mr. MASIHUDDIN AHMED: I cannot say exactly what material are required for re-building the houses because I do not find anything o record.

Mr. NIHARENDU DUTT-MAZUMDAR: Are corrugated shee being used for the purpose of rehabilitation work of re-building houses?

Mr. SPEAKER: The Hon'ble Minister says he does not know.

Mr. NIHARENDU DUTT-MAZUMDAR: Will the Hon'bl Minister be pleased to state whether Government is supplying any materia in kind for the purpose of rehabilitation work or only in cash?

Mr. MASIHUDDIN AHMED: That is the look-out of the Commi sioner and other officers there and they are surely procuring the materia that are required to build the houses

Maulvi MAJIBAR RAHMAN: Will the Hon'ble Minister l pleased to state if he is aware that the relief and rehabilitation gran were given to the refugees on the recommendation of the Congress ar Mahasabha volunteers and leaders at Noakhali?

Mr. MASIHUDDIN AHMED: Government have received no suc report.

Mr. MUHAMMAD HABIBULLAH CHAUDHURY: Will tl Hon'ble Minister be pleased to state for how many months the refuge of Noakhali and Tippera were served by the Government?

Mr. MASIHUDDIN AHMED: From October last up till now.

Mr. HARIPADA CHATTERJEE: Will the Hon'ble Minister plea tell us of the Rs. 98,23,240, how much has been spent for giving relief the minority community and how much for giving relief to the majori community?

Mr. MASIHUDDIN AHMED: Almost all the sum has been spe for the affected persons.

Mr. HARIPADA CHATTERJEE: Is the Hon'ble Minister aware that up to January since the circular of Mr. Larkin relief was given in communal proportion, that is, majority community getting more?

Mr. MASIHUDDIN AHMED: Government is not aware of it.

Mr. HARIPADA CHATTERJEE: Is the Hon'ble Minister aware that all these relief articles were formerly sent to Union Board Presidents, almost all of whom are members of the majority community and they used to give relief only to the majority community even after October?

Mr. MASIHUDDIN AHMED: No, we have not received such report.

Mr. MIHIR LAL CHATTAPADHYAYA: It has been admitted by the Minister that people from Tippera and Noakhali have taken refuge in the Agartala State Will the Hon'ble Minister be pleased to state whether this Government at any stage offered any financial help to the authorities of the Agartala State for the maintenance of the people of this Province who had taken refuge there?

Mr. MASIHUDDIN AHMED: No, the authorities in Tripura State did not ask for any help from this Government.

Dr. PRATAP CHANDRA GUHA ROY: Is it known to the Hon'ble Minister that murder, arson, loot which are going on in Noakhali make rehabilitation work impossible?

Mr. MASIHUDDIN AHMED: This is a story to me.

Mr. MUHAMMAD HABIBULLAH CHAUDHURY: Will the Hon'ble Minister be pleased to state whether he knows that yesterday the Chief Minister in a statement stated that Rs. 80 lakhs was sanctioned for Noakhali. In answer (g) it is said that Rs. 98,23,240 was sanctioned for the refugees of Noakhali aand Tippera. How does he account for this figure?

Mr. MASIHUDDIN AHMED: I have not got that answer with me.

Mr. MUHAMMAD HABIBULLAH CHAUDHURY: On a point of order, Sir. We are getting two sets of figures—one from the Hon'ble Chief Minister and a separate figure from the answer to this question. Will the Hon'ble Minister be pleased to enquire so far as Noakhali figures are concerned.? We find that the figures are inaccurate. In his statement the Chief Minister has said that Rs 80 lakhs was sanctioned for Noakhali. We are not in a position to reconcile these figures.

Mr. SPEAKER: I do not see any point of order here. Mr. Chaudhury, if you devote your attention to this matter, you will find that the Hon'ble Chief Minister made a statement only the other day, probably yesterday and this figure is up to 31st March, 1947. So there is nothing irreconcilable.

Mr. MUHAMMAD HABIBULLAH CHAUDHURY: Yesterday there was a reply and there, Sir, no mention was made about what is called test relief; in the Chief Minister's statement which came in the evening, this amount includes expenditure on test relief in Noakhali. So how can we take these two statements as correct?

Mr. SPEAKER: How is it irreconcilable I do not see.

Mr. MASIHUDDIN AHMED: Yesterday's question was up to a certain time. The honourable member forgets the time-limit.

MAULVI MAJIBAR RAHMAN: Is the Hon'ble Minister aware that in spite of the normal condition prevailing in villages in the districts of Noakhali and Tippera some people are still keeping themselves away from the districts?

Mr. MASIHUDDIN AHMED: Government is receiving such complaints.

Mr. HARIPADA CHATTERJEE: Is the Hon'ble Minister aware that persons who make statements like this that people are keeping away for political reasons and do not come because of political reasons, encourage hooliganism?

Mr. SPEAKER: I disallow this question.

Mr. MIRZA ABDUL HAFIZ: In view of the fact that crores of rupees have been spent towards rehabilitation and other relief work for the refugees of Noakhali and Tippera will the Hon'ble Minister be pleased to state whether it is a fact that most of this amount has been spent for the relief and rehabilitation of the people affected?

Mr. MASIHUDDIN AHMED: Oh yes.

Mr. AMULYA CHANDRA ADHIKARI: In answer to a supplementary question the Hon'ble Minister has just now said that there are still refugee camps in Noakhali and Tippera. Will he be pleased to state the localities in which these refugee camps are situated now?

Mr. MASIHUDDIN AHMED: For this I want notice.

Mr. NIHARENDU DUTT-MAZUMDAR: Will the Hon'ble Minister—.

Mr. SPEAKER: Mr. Dutt-Mazumdar, I do not think we should devote more time on one question.

Mr. NIHARENDU DUTT-MAZUMDAR: One last question, Sir. Will the Hon'ble Minister be pleased to state whether Government is considering the desirability of abolishing all relief operations in Noakhali because according to the honourable member from Noakhali all these men are staying away from home voluntarily out of fear?

(No answer.)

Mr. BIJOY KRISHNA SARKAR: Will the Hon'ble Minister be pleased to state what is the actual expenditure incurred up to 31st March, 1947, for Bihar refugees.?

Mr. SPEAKER: That does not come within the purview of this question.

Mr. MUHAMMAD HABIBULLAH CHAUDHURY: One more question, Sir. I have got a very important question involving policy.

Mr. SPEAKER: No; I won't allow any more question.

GOVERNMENT BILL.

The Bengal Non-Agricultural Tenancy Bill, 1948.

Clause 14.

The question that clause 14 stand part of the Bill, was then put and agreed to.

Clause 16.

Mr. DHIRENDRA NATH DATTA: Mr. Speaker, Sir, I beg to move that in the proviso to clause 16(*1*), item (*b*) be omitted.

Sir, I draw the attention of the House to what will be the effect by the omission of this item (*b*) in the proviso to clause 16(*1*). This is a clause which deals with what we generally call the right of pre-emption; and that right has been given to two classes of persons, namely, to the landlord as well as to the co-sharer tenant. But preference has been given to the co-sharer tenant. Another preference has been given by the proviso (*b*), and it is this: "the immediate landlord of the non-agricultural tenant shall not have any right to purchase under this section unless the non-agricultural land or the share or portion thereof so transferred is contiguous to any land in the actual possession of the landlord or the Court is satisfied that such land or share or portion thereof is required for use by such landlord for any of the purposes specified in section 3A." The right of the landlord to pre-empt has been further restricted by this item. In a case where the landlord is the only applicant these rights have been restricted in the sense that if he has no contiguous land in possession he will not be entitled to exercise this right. But what happens if he wants to purchase and use the land for any purpose specified in section 7(*a*)? I submit, Sir, if the landlord is the only applicant he shall have the right to purchase the land even under this Act. I would suggest that this right should not be curtailed in the way it is sought to be done by the introduction of item (*b*) of clause 16.

Mr. BIMAL CHANDRA SINHA: Sir, I beg to move that after the proviso to clause 16(*1*), the following new proviso be added, namely:—

> "Provided further that, notwithstanding anything contained elsewhere in this Act or any other law for the time being in force or in any contract, it shall be lawful for the co-sharer tenants or the immediate landlord to apply to the Court for the transfer to them, or him, as the case may be, of the said non-agricultural land if the said land comprised in such tenancy has been or is being used for any immoral and un-social purpose or for any other purpose that has become a grave danger to public peace and safety and the said land or the share or portion thereof so transferred is contiguous to any land in the actual possession of the co-sharer tenants, or the immediate landlord and the Court shall, if satisfied, order the transfer of such land or the share and portion thereof to such co-sharer tenants or the immediate landlord and in case both the co-sharer tenants or the immediate landlord apply, the Court shall also determine who shall have the prior right to purchase under this section"

Sir, I moved an amendment yesterday almost to the same effect but that was with regard to cases of ejectment The amendment now moved relates to cases of transfer. My object is when there is a transfer and if the land comprised in the tenancy has been used for any immoral and un-social purpose or for any other purpose that has become a grave danger to public peace and safety, in that case, Sir, the co-sharer tenant or the immediate landlord shall have the right to apply to the Court and get the transfer to himself. That is to say, he would be entitled to the right of pre-emption. I think this is a reasonable clause and would save much unpleasantness. This is recognised both in Hindu law and in Islamic law, *i.e.*, if the land is transferred, the members of the family get the first priority. If that be so, I think the principle is applied here. The land must be contiguous to the land in the actual possession of the co-sharer tenant or the immediate landlord making the application. Now if that land is contiguous and if the land has been a source of constant trouble or has been used for any immoral or un-social purpose I think the man who is in contiguous possession of the land is entitled to purchase that land when the transfer is taking place by exercising his right of pre-emption. That is the object of my moving this amendment.

Mr. AULAD HOSSAIN KHAN: Sir, I beg to move that in clause (*b*) of the proviso to sub-clause (*1*) of clause 16 for the word "or" in line 6 the word "and" be substituted.

Mr. DHIRENDRA NATH DATTA: Is it a short notice amendment, Sir.

Mr. SPEAKER: Yes.

Mr. DHIRENDRA NATH DATTA: I could not follow what he intended to do by this amendment.

Mr. AULAD HOSSAIN KHAN: Both the objects will be achieved.

Mr. DHIRENDRA NATH DATTA: What will be the effect of this amendment if it is accepted? It means putting further restriction on landlords.

The Hon'ble Mr. FAZLUR RAHMAN: Yes.

Mr. DHIRENDRA NATH DATTA: Because the landlord must have contiguous land in his possession and he must satisfy the Court that he intends to use the land. Now as the right has been given to the landlord as well as the co-sharer tenant preference will be given to the co-sharer. But in case the co-sharer does not make application it is useless to make such restriction. In case the co-sharer is not given preference it may be given to the landlord.

I beg to move that in clause 16(2), line 7, for the word "five" the word "ten" be substituted.

As you know under the Bengal Tenancy Act if a person intends to exercise his right of pre-emption—right of priority purchase—then he has to make application and to deposit to the Court the value of the land as stated in the deed plus 10 *per centum* of such amount. The original intention of the Legislature was that 10 *per centum* should be deposited but it has now been reduced to 5 *per centum*. I do not think that really 5 *per centum* is equitable. It should be 10 *per centum* as it is in the case of Bengal Tenancy Act.

Mr. AULAD HOSSAIN KHAN: Sir, I beg to move that in sub-clause (2) of clause 16, in line 6, after the word "applicant" the words and figures "under section 14" be inserted.

It is only a consequential amendment and makes the position more clear.

Mr. SURESH CHANDRA DAS GUPTA: Will Mr. Aulad Hossain Khan explain why he wishes to put in "under section 14"?

Mr. AULAD HOSSAIN KHAN: You see section 14 is there, and it is only to explain the matter more clearly and to make it more explicit that the words "under section 14" have been inserted. It does not change the meaning at all. The word "notice" is there, and it is made more explicit by saying, "notice under section 14".

Mr. DHIRENDRA NATH DATTA: In sub-clause (*1*) of this clause we find "notice under section 14" but here we find that it is to the effect "applicant under section 14".

Mr. SPEAKER: "Applicant" means an applicant under a certain provision, and that provision is under section 14.

Mr. DHIRENDRA NATH DATTA: You mean that "notice served on the applicant under section 14"?

Mr. AULAD HOSSAIN KHAN: Yes.

Mr. DHIRENDRA NATH DATTA: I think if after the word "notice" the words and figures "under section 14" are inserted, it would be better.

The Hon'ble Mr. FAZLUR RAHMAN: That is not the point. The point is that under section 14 service of notice has been provided for and so here it is said—"notice served on the applicant under section 14".

Mr. DHIRENDRA NATH DATTA: Does it imply that it is notice under section 14?

The Hon'ble Mr. FAZLUR RAHMAN: It means service of the notice on the applicant under section 14.

Mr. CHARU CHANDRA BHANDARI: Here the "applicant" means applicant under clause 16, and here notice under section 14 is to be served on the landlord for pre-emption. This "applicant" means applicant for pre-emption and it refers to clause 16, but under clause 14 notice of transfer is to be served on the landlord.

The Hon'ble Mr. FAZLUR RAHMAN: Mr. Bhandari, will you kindly refer to section 14?

Mr. DHIRENDRA NATH DATTA: It contemplates notice to be served on the landlord and our point is that immediately after the word "notice" the words and figures "under section 14" should be inserted.

The Hon'ble Mr. FAZLUR RAHMAN: On this point we have taken the opinion of our legal advisers and we have been advised by them that the draft as put forward would be more suitable.

Mr. DHIRENDRA NATH DATTA: Sir, I beg to move that in clause 16(2), line 3, after the word "property" the words "or in effecting improvements or to state what other sum may be necessary for removing any structure on the land" be inserted.

Mr. Speaker, Sir, I do not know whether you are aware that these notices of transfer are often served even after two or three years due to the negligence of the Collectorate officers. And after three years when the notices are served, it may be found that really the purchaser had effected certain improvements and raised some structures on the land. Then the question arises, what should be the amount of money to be deposited? The amount to be deposited is the actual value of the land shown in the notice and other sums he has paid in respect of rent for the period during which it has been transferred. If the transferee had raised a permanent structure during that period, the amount spent for that structure has got to be deposited. I do not know, Sir, whether the Minister in charge of the Bill is aware of the fact that these expressions do not occur in the Bengal Tenancy Act, and it has been held that even though they do not occur there, if any improvements had been effected on the land, the sums that had been spent for effecting such improvements should also be deposited. I feel that specially in respect of properties situated in towns these expressions must be made clear so that if anybody is to exercise the right of purchase mentioned in the notice, he must know what sums of money the transferee had actually spent in effecting improvements and permanent structures on the land.

Mr. MUHAMMAD ISRAIL: Mr. Speaker, Sir, I oppose the amendment put forward by Mr. Datta. His contention is that if any improvement or any structure is made on the land after its purchase, then the person who wants to pre-empt must deposit the amount spent by the purchaser for such improvement or construction of structures. Sir, if I could know beforehand that I would get the value of the structure, then immediately on purchase I would raise the structure and thus defeat the

very purpose of the Act. It would not be possible for a poor applicant to deposit the value of that structure. Moreover, Sir, it has been provided in the clause that the co-sharer tenant or the immediate landlord should apply within four months of the service of the notice as a pre-emptor. So anybody who wants to raise any structure cannot do so within the first four months as prescribed under the law. So he must wait for these four months. As soon as that right lapses he may make a structure so that there may not be any trouble. As Mr. Datta has said, the High Court has held in a certain case that for improvements effected its price should be deposited. We here in the Legislature are not going to give this right to defeat the very purpose of the Preamble itself, and if the tenant is allowed to raise a structure immediately, it will defeat the very purpose of pre-emption itself.

Mr. SURESH CHANDRA DAS GUPTA: The honourable member, I think, is wrong. সভাপতি মহাশয়, ধীরেন বাবু যে কথা বলেছেন যে ৪ মাসের মধ্যে transfer এর নোটিশ জারী করতে হবে, কিন্তু আমরা জানি সাধারণত: Collectorate হতে নোটিশ registry করে জারী হতে প্রায় ২।৩ বৎসর সময় লেগে যায়। সুতরাং যদি এই সময়টা ধরা যায় তাহলে সর্বসমেত ৩ বৎসর ৪ মাস সময় লেগে যাচ্ছে। কিন্তু যদি আইনের মধ্যে এই কথা থাকত যে Collector এর নোটিশ জারী হওয়ার সঙ্গে সঙ্গে এর ব্যবস্থা করতে হবে তাহলে এ প্রশ্ন মোটেই উঠত না। কিন্তু নোটিশ জারী হওয়ার পর ৪ মাস pre-emption দেওয়া হয়, ৩ বৎসরটা ধরা হয় না, তাহলে এই সময়টার জন্য কিছু compensation দেওয়ার ব্যবস্থা করবেন কিনা। নইলে এরূপ ব্যবস্থা করুন যে নোটিশ জারী হবার ৪ মাসের মধ্যে transfer করতে হবে।

Mr. CHARU CHANDRA BHANDARI: Transfer নোটিশ জারীর ৪ মাসের মধ্যে করতে হবে এরূপ ব্যবস্থা করুন তাহলে আর কথা থাকবে না।

Mr. DHIRENDRA NATH DATTA: Sir, I beg to move that in clause 16(5), line 13, after the word "payments" the words "and further to deposit such sum as may be necessary for the purpose of removal of any structure" be inserted.

I know, Sir, that my friend, Mr. Israil, will say that by this amendment the very object of pre-emption will be defeated. You are giving certain rights to the co-sharers of a tenancy in connection with the transfer of that tenancy, but you must also consider the case of the transferee, especially in towns, as my friend Mr. Suresh Chandra Das Gupta has mentioned. If the right of pre-emption is to be exercised after the lapse of three years, is it the intention of the Legislature that the transferee shall not raise any structure on the land during the course of two or three years after the purchase of the land? If as a matter of fact a notice had been served within fifteen days or within a month, then he could have waited, but he does not know when the notice would be served. I can give you instances to show that really notices have been served after four years. If you make an enquiry in a Collectorate, you will find that there are many notices lying for three or four years which have not been issued yet: it may be due to the negligence of the Collectorate officers or it may be due to the defects in the working of the Collectorate. But after all if the transferee who purchases the property cannot make any structure on his land and if he has to wait for two or three years to raise it, I submit you are giving the right to the co-sharer tenant but denying it to the transferee. If in the interest of the prospective co-sharer pre-emptor such sums are not deposited, then clause 16 may be deleted altogether, because the transferee shall have to wait for an indefinite period. It is no denying the fact that the subject matter of pre-emption mainly concerns rural lands but in this case it is the town land where the transferee wants to raise a homestead and if he has to wait for three years he runs the risk of losing his property. I think Sir, the co-sharer tenant who is the prospective pre-emptor should not have this

right. If he wants to exercise his right he must deposit the requisite money. So I submit that the transferee should be given this right and the pre-emptor must be required to deposit the value not only of the land but also compensation for any structure on the land because notices are generally served two or three years after the transfer of property and the transferee cannot wait for these two or three years.

Sir, I beg to move that in clause 16(4) in item (*b*), line 3, the expression "not exceeding beyond the period referred to in clause (*a*)" be omitted.

Sir, what I intend to say is this that here is a clause that deals with a case in which the right is sought to be exercised by one co-sharer. One co-sharer makes an application first and then another co-sharer makes a subsequent application and then the period is mentioned as to when such an application should be made It is four months or within one month of the application whichever is later In clause (*b*) it is provided that such application shall be dismissed unless within such period not exceeding beyond the period referred to in clause (*a*) the applicant deposits the money. I know such legislation has given rise to a large number of litigations. Applications have been made four months after as required in sub-clause (4)(*a*) and such applications will be dismissed unless they are made within the period mentioned in (*b*). Sir, this is impossible, and if these expressions do occur, such applications are liable to be dismissed in large numbers. So I submit that the period within which these applications have to be made should be left to the Court to decide There is no justification, Sir, for these expressions in (4)(*b*)

Mr. AULAD HOSSAIN KHAN: Sir, I want to move amendment No 184 in a modified form

Sir, I beg to move that after sub-clause (5) of clause 16, the following sub-clause be inserted, namely :—

"(5*a*) Notwithstanding anything contained in any other law for the time being in force the Court shall, if the applicant under sub-section (*1*) or any person whose application under sub-section (*4*) is granted, disputes the correctness of the amount of the consideration money as stated in the notice issued under section 14, enquire into such dispute before making an order under sub-section (5) and after giving the transferee an opportunity of being heard, determine for the purposes of this section the amount of the consideration money which the transferee has actually paid for the transfer of the property or the portion or share thereof, as the case may be, and the amount so determined shall be deemed to be the consideration money referred to in sub-section (2) and where the amount of the consideration money has been so determined the deposit made under that sub-section shall for the purposes of sub-section (5) be the amount so determined together with the compensation at the rate of five *per centum* of such amount "

My amendment No 184 has been moved in a modified form The object of this amendment is that it is seen that in many sale deeds consideration money is shown unusually high and the whole object of the clause will be frustrated if this amendment is not carried So, I move this amendment.

Mr. DHIRENDRA NATH DATTA: Mr Speaker, Sir, I want to say a few words with regard to the amendment of my friend Mr. Aulad Hossain Khan—amendment No. 184.

Mr. SPEAKER: No. 184 has not been moved. In its place he has moved an amendment in a modified form.

Mr. DHIRENDRA NATH DATTA: But just giving the same meaning. Of course, it is impossible to follow the exact words but the meaning is the same.

Mr. AULAD HOSSAIN KHAN: (5b) of 184 has been omitted and (5a) has been modified

Mr. DHIRENDRA NATH DATTA: I want to draw the attention of the Hon'ble Minister as to what will be the effect of the insertion of such a clause It will be that each and every application will be converted into a complicated title suit. I know, Sir, that in order to defeat the right of pre-emption an exaggerated fee is mentioned in the document itself. I am fully aware of it but at the same time if a question like this be investigated on an application under clause 16, each and every case will be converted into a complicated title suit. It has been held by the Hon'ble High Court that these matters should not be investigated on an application under section 26F—a similar section of the Bengal Tenancy Act, as the matter has led to subsequent suit, and I am fully aware—and you are aware of the fact—that such use has been subsequently made and if the court is to investigate into the matter referred to in amendment 184, I am quite sure that applications will be converted into title suits and they will be complicated title suits You must consider these aspects of the case before you accept this amendment.

I beg to move that in clause 16(10) in item (a), lines 1 and 2, the words "whose existing interest has accrued otherwise than by purchase" be omitted

Mr Speaker, Sir, I am aware this section has come from section 26(f) of the Bengal Tenancy Act but it is regrettable that the persons who are entrusted with the drafting and the Government do not know the complications and the rulings that have arisen out of this expression. You will understand what is the effect of this Suppose my friend Mr Iswar Chandra Mal and myself are co-sharer tenants. I transfer a portion of my share in the year 1910 to you and you become a co-sharer tenant in the year 1910 Then subsequently I transfer some portion of my share in the year 1946 to my friend Mr Suresh Chandra Das Gupta and he becomes a co-sharer tenant in the year 1946 Then, Sir, Mr Iswar Mal sells a certain portion of his share to you in the year 1946, that is, you who were a co-sharer in the year 1910 because you purchased in the year 1910 become another co-sharer in the year 1946 Mr Suresh Das Gupta who has become co-sharer in the year 1946 is entitled to make an application under this clause that he is entitled to purchase a share that you have purchased in 1946 though you were a co-sharer in the year 1910 This should not be allowed We are fully aware of the difficulties of section 26(f) and section 26(f) requires amendment It is regrettable that this Government while introducing this section do not know the amendments that are necessary under section 26(f) of the Bengal Tenancy Act I know the result of this clause will be this A person who becomes a co-sharer long before a person who makes an application, if he makes a purchase subsequently he will be pre-empted though the person who makes the application becomes a co-sharer long after. This is a thing which should not be allowed So, I submit this line should disappear from the clause.

The Hon'ble Mr. FAZLUR RAHMAN: Sir, with regard to amendment No 178 where it is intended that in clause 16(b), item (b), be omitted, the mover of the motion wants to extend the right of the landlord to pre-empt This we cannot accept and I oppose this amendment

With regard to 179 of Mr. Sinha, I think the reason which he has given for moving his amendment or the wording of his amendment suggests certain things which can be dealt with by the ordinary civil and criminal law of the land and, therefore, this amendment is not necessary and I oppose this amendment on that ground.

Then with regard to amendment No. 180. Mr Dhirendra Nath Datta, has moved that for the word "five" the word "ten" be substituted. It

means that the tenants who are usually poor people will not be able to pre-empt because they will not be able to deposit 10 *per centum* and the landlord will pre-empt. Therefore, I think 5 *per centum* is more reasonable than 10 *per centum*. Five *per centum* will be a reasonable one because the value of the town property is very high and this 5 *per centum* should be reasonable enough to cover the expenses.

With regard to 181 and 182, Mr. Dhirendra Nath Datta wanted to move that for effecting improvements and removing any structure on the land, say, within a period of 4 months, if the transferee erects any structure or makes any improvement in the land, then a further deposit should be made to cover these items also, but this is an impossible proposition. What we find from our own past experience is that the time required for certain improvements is three years and not four months, as proposed. My revered friend Mr. Datta knows, recently we have amended the Bengal Tenancy Act because of that reason and we have provided that notice will be served direct through the Sub-Registrar's office and not through the Collector and deliberately we have taken the power for defining the procedure of serving notice under the law-making power. Therefore, under the law naturally we will prescribe on those lines that the service of notice should be done through the Sub-Registrar's office and not through the Collector. In that case, there is no reason why more time should be required by the office of the Sub-Registrar; it will be only the time that will be taken by the postal service. Therefore, the whole thing falls through because their whole case was built up on the delay in service.

With regard to amendment No. 183 I am inclined to accept this amendment, because there may be difficult cases in which the Court should be allowed to extend the time.

Now, Sir, with regard to the amendment which has been moved by Mr. Aulad Hossain Khan in an amended form of No. 184, that also I accept, because during our experience of the working of the Bengal Tenancy Act we have found that the High Court has ruled that you cannot go behind the document. On the other hand, my friend Mr. Datta has said that sometimes to defeat the object of pre-emption a higher consideration money is put in the document than what has actually passed. If that is so, it is all the more reasonable why he should accept the amendment of Mr. Aulad Hossain Khan. I accept that amendment.

Then with regard to amendment No. 186 Mr. Datta wants to omit the words "whose existing interest has accrued otherwise than by purchase". This will rather be an awkward position, because only the transfer does not take place. The right of pre-emption should be in other cases also. Otherwise even a case of purchase may avoid this pre-emption by taking the form of lease. Hence I oppose this amendment.

With regard to Mr. Aulad Hossain Khan's amendments, namely, (*1*) for the word "or" the word "and" should be substituted, I accept it. The other amendment is a consequential amendment, namely, that after the word "applicant" the words and figures "under section 14" be inserted, and I accept that amendment also.

The motion of Mr. Dhirendra Nath Datta that in the proviso to clause 16(*1*), item (*b*) be omitted, was then put and lost.

The motion of Mr. Bimal Chandra Sinha that after the proviso to clause 16(*1*) the following new proviso be added, namely:—

"Provided further that, notwithstanding anything contained elsewhere in this Act or any other law for the time being in force or in any contract, it shall be lawful for the co-sharer tenants or the immediate landlord to apply to the Court for the transfer to them, or him, as the case may be, of the said non-agricultural land if

the said land comprised in such tenancy has been or is being used for any immoral and un-social purpose or for any other purpose that has become a grave danger to public peace and safety and the said land or the share or portion thereof so transferred is contiguous to any land in the actual possession of the co-sharer tenants or the immediate landlord and the Court shall, if satisfied, order the transfer of such land or the share and portion thereof to such co-sharer tenants or the immediate landlord and in case both the co-sharer tenants or the immediate landlord apply, the Court shall also determine who shall have the prior right to purchase under this section."

was then put and lost.

The motion of Mr. Aulad Hossain Khan that in clause (*b*) of the proviso to sub-clause (*1*) of clause 16 for the word "or" in line 6 the word "and" be substituted, was then put and agreed to.

The motion of Mr. Dhirendra Nath Datta that in clause 16(*2*), line 7, for the word "five" the word "ten" be substituted, was then put and lost.

The motion of Mr. Aulad Hossain Khan that in sub-clause (*2*) of clause 16 in line 6 after the word "applicant" the words and figures "under section 14" be inserted, was then put and agreed to.

The motion of Mr. Dhirendra Nath Datta, that in clause 16(*3*), line 5, after the word "property" the words "or in effecting improvements or to state what other sum may be necessary for removing any structure on the land" be inserted, was then put and lost.

Mr. SPEAKER: Amendment No. 182 is dependent on amendment No. 181. So it falls through.

The motion of Mr. Dhirendra Nath Datta that in clause 16(*4*) in item (*b*), line 3, the expression "not exceeding beyond the period referred to in clause (*a*)" be omitted, was then put and agreed to.

The motion of Mr. Aulad Hossain Khan that after sub-clause (*5*) of clause 16 the following sub-clause be inserted, namely:—

"(*5a*) Notwithstanding anything contained in any other law for the time being in force the Court shall, if the applicant under sub-section (*1*) or any person whose application under sub-section (*4*) is granted, disputes the correctness of the amount of the consideration money as stated in the notice issued under section 14, enquire into such dispute before making an order under sub-section (*5*) and after giving the transferee an opportunity of being heard, determine for the purposes of this section the amount of the consideration money which the transferee has actually paid for the transfer of the property or the portion or share thereof, as the case may be, and the amount so determined shall be deemed to be the consideration money referred to in sub-section (*2*) and where the amount of the consideration money has been so determined the deposit made under that sub-section shall for the purposes of sub-section (*5*) be the amount so determined together with the compensation at the rate of five *per centum* of such amount"

was then put and agreed to.

The motion of Mr. Dhirendra Nath Datta that in clause 16(*10*) in item (*a*), lines 1 and 2, the words "whose existing interest has accrued otherwise than by purchase" be omitted, was then put and lost.

The question that clause 16 as amended stand part of the Bill was then put and agreed to.

Clause 17.

The question that clause 17 stand part of the Bill was then put and agreed to.

Clause 20.

The question that clause 20 stand part of the Bill was then put and agreed to.

Clauses 20A to 20G.

The question that clauses 20A to 20G stand part of the Bill was then put and agreed to.

Clause 20H.

Mr DHIRENDRA NATH DATTA: Sir, I beg to move that in clause 20H(3) after item (*a*) the following be inserted, namely:—

"(*aa*) that the land although entered in the record-of-rights as being held rent-free is liable to the payment of rent".

Sir, it is clear that a suit may be instituted on these two grounds only, namely, that the land is not liable to the payment of rent and that the relation of landlord and tenant does not exist. A suit may also be instituted if the land although entered as rent-free in the record-of-rights is liable to the payment of rent. So, Sir, I think this is an omission and it should be inserted.

Mr. SPEAKER: Mr. Datta, you move your next amendment.

Mr. DHIRENDRA NATH DATTA: Sir, that relates to clause 20L.

Mr. SPEAKER: Let us finish clause 20.

Mr. DHIRENDRA NATH DATTA: Sir, as it appears to me section 20L deals with settlement of rent by revenue officers. This is the implication of section 105 of the Bengal Tenancy Act. Under the Bengal Tenancy Act there is a provision for appeal from the decisions of Revenue Officers that are made under section 105 of the Bengal Tenancy Act. Here also I want to make a provision like this. I am taking the words from the Bengal Tenancy Act.

Sir, I beg to move that after clause 20L the following new clause be inserted, namely:—

"20LL. (*1*) The Provincial Government shall appoint one or more persons to be a Special Judge or Special Judges for the purpose of hearing appeal from the decisions of Revenue Officers under Section 20L read with sections 105 and 105A of the Bengal Tenancy Act.

(*2*) An appeal shall lie to the Special Judge from the decisions of a Revenue Officer under section 20L if made by the person aggrieved within a month from the date of order and the provisions of the Code of Civil Procedure, 1908, relating to appeals shall, as nearly as may be, apply to all such appeals.

(*3*) Subject to the provisions of sections 100 to 103, section 107, section 108 and section 144 of, order XLII in schedule, to the Code of Civil Procedure, 1908, an appeal shall lie to the High Court from the decision of a special case in any case under this section as if he were a Court subordinate to the High Court within the meaning of section 100 of that Code."

The above is a provision which we find in the Bengal Tenancy Act. This Chapter regarding settlement of rents has been taken from the provisions of the Bengal Tenancy Act. Provision under section 105 of the Bengal Tenancy Act has been included in this Act. I therefore see absolutely no reason

why there should not be a provision for appeal in this Act as provided in the Bengal Tenancy Act. My motion provides for appeal and I think Government will accept this amendment.

The Hon'ble Mr. FAZLUR RAHMAN: Sir, I accept amendment No. 188 moved by Mr. Dhirendra Nath Datta.

With regard to amendment No. 189 of Mr. Datta I will refer him to clause 20B (*b*) of the Bill, viz., "subject to any rules made under this Act, all the provisions of Chapter X of the Bengal Tenancy Act, 1885, and the rules made thereunder, shall, in so far as they are not inconsistent with the provisions of this Act, apply as if such order is an order made under section 101 of the said Act in respect of lands used for purposes connected with agriculture or horticulture". This makes his point clear. Therefore this amendment No. 189 is unnecessary and I oppose this amendment.

Mr. DHIRENDRA NATH DATTA: I think, Sir, the Hon'ble Minister-in-charge is making a mistake. You are fully aware that the right of appeal must be given in clear language. If there is no provision for appeal in the Act itself, there cannot be an appeal from the order passed under section 20L. Whatever may be the provision elsewhere, if it is the desire that there should be an appeal from an order under Section 20L, then there must be a specific provision in the Act. If the right of appeal is not given by the Statute, you will not be able to exercise that right of appeal.

The Hon'ble Mr. FAZLUR RAHMAN: The right of appeal is provided in the Bengal Tenancy Act.

Mr. DHIRENDRA NATH DATTA: If such a provision is not entered in the Act itself, I mean the right of appeal, then it will be held by the Court that there will be no right of appeal.

Mr. SPEAKER: Order, order.

The motion of Mr. Dhirendra Nath Datta that in clause 20H(3) after item (*a*) the following be inserted, namely:—

"(*aa*) that the land although entered in the record-of-rights as being held rent-free is liable to the payment of rent."

was then put and agreed to.

The motion of Mr. Dhirendra Nath Datta that after clause 20L the following new clause be inserted, namely:—

"20LL. (*1*) The Provincial Government shall appoint one or more persons to be a Special Judge or Special Judges for the purpose of hearing appeal from the decisions of Revenue Officers under section 20L read with sections 105 and 105A of the Bengal Tenancy Act.

(2) An appeal shall lie to the Special Judge from the decisions of a Revenue Officer under section 20L if made by the persons aggrieved within a month from the date of order and the provisions of the Code of Civil Procedure, 1908, relating to appeals shall, as nearly as may be, apply to all such appeals.

(3) Subject to the provisions of sections 100 to 103, section 107, section 108 and section 144 of, order XLII in schedule, to the Code of Civil Procedure, 1908, an appeal shall lie to the High Court from the decision of a special case in any case under this section as if he were a Court subordinate to the High Court within the meaning of section 100 of that Code,"

was then put and lost.

The question that clause 20H as amended stand part of the Bill was then put and agreed to.

Clauses 20I to 20P.

The question that clauses 20I to 20P stand part of the Bill was then put and agreed to.

Clause 21.

Mr. H. A. LUKE: Sir, I beg to move that in clause 21, line 1, the words "or established usage" deleted by the Select Committee, be restored.

The Hon'ble Mr. FAZLUR RAHMAN: This is considered unnecessary and I oppose the amendment.

The motion of Mr. H. A. Luke that in clause 21, line 1, the words "or established usage" deleted by the Select Committee, be restored, was then put and lost

The question that clause 21 stand part of the Bill was then put and agreed to.

Clause 22.

Mr. H. A. LUKE: Sir, I beg to move that in clause 22 the word "yearly" wherever it occurs be omitted.

The Hon'ble Mr. FAZLUR RAHMAN: Sir, I oppose the amendment.

The motion of Mr. H. A. Luke that in clause 22 the word "yearly" wherever it occurs be omitted, was then put and lost

The question that clause 22 stand part of the Bill was then put and agreed to

Clause 23.

The question that clause 23 stand part of the Bill was then put and agreed to.

Clauses 24-32.

The question that clauses 24-32 stand part of the Bill was then put and agreed to

Clause 33.

The question that clause 33 stand part of the Bill was then put and agreed to.

Clause 34.

Mr. H. A. LUKE: Sir, I beg to move that after clause 34 the following new clause be inserted, namely:—

"34A. (1) When an arrear of rent remains due from a non-agricultural tenant, not being a non-agricultural tenant holding a tenancy specified in any of the sections 6, 7 and 13——

Mr. DHIRENDRA NATH DATTA: Sir, I rise on a point of order. A similar amendment was moved by me which fell through and the clause was voted upon by the House. In view of that decision the honourable member is not entitled to move this amendment because it is an amendment which deals with arrear of rent due to the landlord from a non-agricultural tenant. So this amendment cannot be moved now.

Mr. SPEAKER: What was the amendment, Mr. Datta, that you had moved?

Mr. DHIRENDRA NATH DATTA: It is amendment No. 96 under clause 8. That amendment related to ejectment suits on account of arrears of rent, that is, on the ground of arrear of rent the landlord had the right to institute a suit. That motion has fallen through. Moreover, if you refer to clause 6(*1*) which we have passed, you will find that the tenant holding a non-agricultural land shall not be ejected by the landlord except on the ground that we have provided for, namely, he is liable to be evicted only on the ground mentioned in clause 6 and the landlord is not able to eject the tenant only on the ground of arrear of rent.

Mr. SPEAKER: I think, Mr. Luke, the amendment is not in order because the House has already come to a decision with regard to a similar matter.

The question that clause 34 stand part of the Bill was then put and agreed to.

(At this stage the House was adjourned for fifteen minutes.)

(*After adjournment.*)

Clauses 36-39.

The question that clauses 36 to 39 stand part of the Bill, was then put and agreed to.

Clause 40.

Mr. DHIRENDRA NATH DATTA: Sir, I beg to move that sub-clause (*2*) of clause 40 be omitted.

Sir, if you read sub-clause (*2*) of clause 40, you will find that it is a retrograde measure. This ought not to find a place in the Act. Clause 40 deals with *abwabs* and all *abwabs* under whatever denominations they are put, shall be void. But, Sir, in sub-clause (*2*) it is stated that nothing in this section shall be deemed to affect the terms of a permanent *mukarrari* lease granted in respect of any tenancy by the landlord thereof and registered before the commencement of this Act or any incident of a service tenure. The clause deals with the imposition of *abwabs*. This has nothing to do with a permanent *mukarrari* lease because under this Act if there is any imposition of *abwab* in the registered document that also should be declared as void. If an incident of a service tenure can be termed as an *abwab* that also should be declared as *abwab* and *abwabs* in any shape or form should be declared as void.

The Hon'ble Mr. FAZLUR RAHMAN: What about an incident of a service tenure?

Mr. DHIRENDRA NATH DATTA: If any incident of a service tenure comes under the category of *abwab* then it must be declared as void. Whatever is termed as *abwab* should be void.

The Hon'ble Mr. FAZLUR RAHMAN: I accept the amendment.

Mr. MUHAMMAD ISRAIL: Sir, I beg to move on short notice that in clause 40 bracketed (*1*) be deleted.

It is consequential.

The motion of Mr. Dhirendra Nath Datta that sub-clause (*2*) of clause 40 be omitted, was then put and agreed to.

The motion of Mr. Muhammad Israil that in clause 40 bracketed (*1*) be deleted, was then put and agreed to.

The question that clause 40, as amended, stand part of the Bill, was then put and agreed to.

Clauses 41 and 42.

The question that clauses 41 and 42 stand part of the Bill, was then put and agreed to.

Clause 48.

The question that clause 48 stand part of the Bill, was then put and agreed to.

Clause 49.

The question that clause 49 stand part of the Bill was then put and agreed to.

Clauses 50 and 51.

The question that clauses 50 and 51 stand part of the Bill, was then put and agreed to.

Clause 52.

Mr. DHIRENDRA NATH DATTA: Sir, I beg to move that the proviso to clause 52(*1*) be omitted.

Sir, this clause 52 deals with recording of evidence with regard to improvements by the Revenue-officer.

Then, Sir, it has been stated in the proviso that provided that such Revenue-officer shall not so record the evidence if he considers that there were no reasonable grounds for the making of the application, or if it appears to him that the subject-matter thereof is under enquiry in a Civil Court. I fail to understand how, before the enquiry is finished, before the evidence is taken, he can find that there is no reasonable ground for making the application. The application is to be made for recording improvements and if the application is to be made, the Revenue-officer has to take evidence and how can the Revenue-officer, without recording evidence, come to the conclusion that there was no reasonable ground for making an application. So, I submit that the proviso should be deleted.

The Hon'ble Mr. FAZLUR RAHMAN: What about enquiry in a Civil Court?

Mr. DHIRENDRA NATH DATTA: If it is found that there is an enquiry in the Civil Court, he may reject the application. But without recording evidence, whatever it may be, how can he come to the conclusion? So, this proviso has to be deleted.

Mr. H. A. LUKE: Sir, I beg to move——

Mr. DHIRENDRA NATH DATTA: Sir, I rise on a point of order. This amendment is out of order. It is out of order on this ground. If you look to the Bill itself, it says that really this is a Bill to make better provision relating to the law of landlord and tenant in respect of certain non-agricultural tenancies in Bengal. It is a law of the landlord and tenant. Here this amendment deals with industrial concerns and may make acquisition of certain properties. It has nothing to do with the law of landlord and tenant. It says that the Civil Court, on the application by an industrial concern, may acquire certain lands on the ground that these lands may be necessary for industrial purposes. It is a right which is given to the Civil Court and has nothing to do with the law of landlord and tenant. This is acquisition of certain properties on the application by a certain concern to the Civil Court. That comes within the purview of the Land Acquisition Act or something like that and it has got nothing to do with the law of landlord and tenant.

Mr. SPEAKER: I do not follow how it is out of order.

Mr. DHIRENDRA NATH DATTA: This Bill deals with the law of landlord and tenant. But this amendment says that a Civil Court may, on the application of a certain person or a certain concern, acquire certain lands which may be non-agricultural land or agricultural land. This has got nothing to do with the law of landlord and tenant and, therefore, this amendment is out of order.

My contention is that it must deal with relations between landlord and tenant, but here there is no relation between landlord and tenant. A Civil Court, on the application of a certain concern, will acquire certain lands. This is acquisition of certain properties and this is the subject-matter of the Land Acquisition Act.

Mr. SPEAKER: This is probably meant for exemption of certain properties from the operation of this Act. That exemption may be claimed under the Act. It is for the House to decide whether they will accept it or not.

Mr. DHIRENDRA NATH DATTA: Here the amendment says, "A Civil Court may, on the application of the landlord of a tenancy, and on being satisfied that he is desirous of acquiring the tenancy or any part thereof for *bona fide* mining, business or manufacturing purposes, etc." may order acquisition of some of the lands. It is an order for acquisition. If the land is to be transferred then the question of landlord may come in but here it deals with the acquisition of certain properties. The land may be transferred by the tenant and the landlord may come in by the right of pre-emption which has been provided for, but here the land has not been transferred by the tenant but the business concern which happens to be the landlord may file an application to the civil court for acquisition of this property. So it is a matter which deals with the acquisition of property.

Mr. SURESH CHANDRA DAS GUPTA: Moreover, Sir, section 3A says nothing about the landlord, it is only about the tenant. It is said—purposes for which non-agricultural tenant may hold non-agricultural land (*a*) homestead or residential purposes, (*b*) manufacturing or business purposes. There is nothing about the landlord. You cannot go beyond the purview of section 3A.

Mr. CHARU CHANDRA BHANDARI: I submit this amendment is out of order in another respect. One of the grounds for ejectment which this amendment purports to propose is that the landlord requires the tenancy for mining, business or manufacturing purposes. Already this House has accepted a clause defining the grounds on which a tenant may be ejected and not otherwise and this goes against that principle and in that respect this amendment is out of order.

Mr. MUHAMMAD ISRAIL: I want to support Mr. Datta on the point that it is out of order. Here we are dealing, as Mr. Datta has just now pointed out, with relation between the landlord and the tenant and the rights of the tenant as such. Mr. Luke wants to bring in another question which has got nothing to do with the landlord and the tenant. He may better go to the Land Acquisition Collector for getting it for mining, business or manufacturing purposes. He can do it in that way. It does not concern either the tenant or the landlord. He wants to go to the civil court for a declaration that he may acquire certain land for *bona fide* mining, business or manufacturing purposes. That cannot come within the scope of this Bill. That should rather come under the Land Acquisition Act under which the Collector or anybody else can have the power to get the land acquired for manufacturing purpose. So on that point it is out of order.

Mr. SPEAKER: Mr. Luke, do you like to press this amendment?

Mr. H. A. LUKE: Yes, Sir, we regard it as of very considerable importance.

Mr. SPEAKER: But you did not participate in the discussion and did not make your position clear.

Mr. SURESH CHANDRA DAS GUPTA: Sir, it is clearly stated "where a tenancy it held by a non-agricultural tenant subject to the condition of employment in any industrial concern, such tenant shall, notwithstanding anything elsewhere contained in this Act, be liable to be ejected from the land comprised in such tenancy on the termination of such employment." By deleting—

The Hon'ble Mr. FAZLUR RAHMAN: I feel that if you refer to the preamble we should decide whether it should be within the scope of this Bill to make provision which is sought to be provided by the amendment proposed, or not. So far as clause 52A (1) and (2) of the amendment is concerned, clearly it is beyond the scope of the Bill. So far as clause 52B is concerned, it appears to me that it comes within the scope of the Bill. Therefore, I would say that clause 52A of the amendment is out of order and clause 52B of the amendment is in order

Mr. DHIRENDRA NATH DATTA: Clause 52B of the amendment seeks to make provision for ejectment, but we have already made clear provisions for this and we have already disposed of it. How can it be changed now? If you look to clauses 5, 6, 7 and 8 you will find that you have already made provisions for ejectment.

The Hon'ble Mr. FAZLUR RAHMAN: Mr Datta is correct. A decision has been given under what circumstances ejectment can be made. Therefore, in view of the decision of the House I would say that clause 52B of the amendment is also out of order.

Mr. SPEAKER: I reserve my decision.

Does the House like to proceed further?

(Cries of "yes" and "no".)

Mr. DHIRENDRA NATH DATTA: I understand that certain arrangement was made by the Chief Whip of Government Party and the Opposition——

The Hon'ble Mr. FAZLUR RAHMAN: The arrangement was that if the Bill is not finished by Thursday it will be taken over on Friday which will be taken as Government business day with your consent, Sir, because the Government and Opposition agreed that it should be devoted to Government business.

Mr. DHIRENDRA NATH DATTA: I understand there is a further arrangement also and it is that after this Bill is finished the House will be adjourned or prorogued.

The Hon'ble Mr. FAZLUR RAHMAN: No, Sir. The arrangement was that after this Bill is over the Bill with regard to fishery will be taken up. The Deputy Leader of Opposition now says that the House be adjourned or prorogued. We are considering what can be done with regard to that. We have not yet come to a final arrangement between the Opposition Whip and Government.

Mr. DHIRENDRA NATH DATTA: I understand Chief Whip of Government agreed that after the completion of this Bill the House will stand adjourned or prorogued.

The Hon'ble Mr. FAZLUR RAHMAN: To-morrow we will discuss.

Mr. DHIRENDRA NATH DATTA: Very well.

Mr. SPEAKER: It is the desire of the House that we should not sit further. I think the members would not like to pass the Bill at the fag end of Thursday. To-morrow is Friday. This business should be taken up to-morrow.

Adjournment.

The House was then adjourned at 6-5 p.m. till 4-45 p.m. on Friday, the 9th May, 1947, at the Assembly House, Calcutta.

roceedings of the Bengal Legislative Assembly assembled under the provisions of the Government of India Act, 1935.

THE ASSEMBLY met in the Assembly House, Calcutta, on Friday, the th May, 1947, at 4-45 p.m.

Present :

Mr. Speaker (the Hon'ble Mr. NURUL AMIN) in the Chair, 9 Hon'ble Ministers and 174 members.

STARRED QUESTIONS

(to which oral answers were given)

Appointment of Lawyer-Magistrates.

*270. **Mr. SATINDRA NATH SEN:** Will the Hon'ble Minister in charge of the Home Department be pleased to state—

(*a*) whether all the candidates selected for the post of Lawyer-Magistrate by the Public Service Commission in April, 1944, have been absorbed;

(*b*) if not, why not; and

(*c*) if all the candidates selected have not been appointed, when will the remaining candidates be appointed?

Mr ABDUL KARIM (on behalf of the Hon'ble Mr. H. S. Suhrawardy): (*a*) No.

(*b*) Candidates recommended by the Public Service Commission are not appointed all at once, they get appointments as vacancies occur according to the Communal Ratio Rules.

(*c*) The remaining candidates will be appointed when vacancies reserved for the community to which they belong next occur

Mr. SURESH CHANDRA DASGUPTA : মাননীয় মন্ত্রীমহাশয় অনুগ্রহ করে বলবেন কি যে Public Service Commission হতে recommended হয়েছে এই রকম অনেক লোক এখনও বসে আছে অথচ নূতন লোক ওসব কাজের জন্য নেওয়া হচ্ছে এটা সত্য কিনা ?

Mr. ABDUL KARIM : I ask for notice.

Mr. SURESH CHANDRA DASGUPTA : মাননীয় মন্ত্রী মহাশয় অনুগ্রহ করে বলবেন কি যদি এই রকম লোক নেওয়া হয় তাহলে যারা recommended হয়ে বসে আছে তাদের কেন নেওয়া হচ্ছে না।

Mr. SPEAKER : That question does not arise.

Mr. AMULYA CHANDRA ADHIKARI : Will the Hon'ble Minister be pleased to state the number of appointments given so far by the Government, community by community?

Mr. SPEAKER : It does not come within the scope of this question : the number was not asked for.

Mr. AMULYA CHANDRA ADHIKARI : But, Sir, I want to be enlightened about the number.

Mr. MUHAMMAD HABIBULLAH CHAUDHURY: Will the Hon'ble Minister be pleased to state whether the Public Service Commission select candidates even before the vacancies occur?

Mr. ABDUL KARIM : Yes, they are asked to select candidates periodically and submit lists of names to the Government and Government appoint from those lists as vacancies occur.

Mr. MUHAMMAD ISRAIL : Will the Hon'ble Minister be pleased to state whether Government give any indication of the number of candidates to be selected by the Public Service Commission in view of the vacancies at their disposal?

Mr. ABDUL KARIM : I would refer the honourable member to the answer given to a similar question on 24th April, 1947, in this House.

Mr. AMULYA CHANDRA ADHIKARI : In view of the answer contained in (c) will the Hon'ble Minister be pleased to state the approximate period when the Government will be in a position to give full effect to the recommendations of the Public Service Commission as far as the appointments of Lawyer-Magistrates are concerned?

Mr. ABDUL KARIM : Government have been giving effect to the recommendations of the Public Service Commission as far as practicable.

Mr. AMULYA CHANDRA ADHIKARI : Will the Hon'ble Minister be pleased to state the period for which these Lawyer-Magistrates have been appointed?

Mr. ABDUL KARIM : The matter is still under the consideration of Government, and Government are considering whether they will be made permanent or not.

Mr. MUHAMMAD HABIBULLAH CHAUDHURY : Will the Hon'ble Minister be pleased to state how many candidates are still there who have been selected by the Public Service Commission but have not yet been appointed?

Mr. ABDUL KARIM: I cannot say offhand.

Mr. A. T. MAZHARUL HAQUE : Will the Hon'ble Minister be pleased to state whether they will make the cadre of service in respect of these Lawyer-Magistrates permanent?

Mr. ABDUL KARIM : As I have already said, the matter is under the consideration of Government.

Mr. NIHARENDU DUTT-MAZUMDAR : Will the Hon'ble Minister be pleased to state as to how many posts have fallen vacant and how many candidates have been recommended by the Public Service Commission for filling up the posts of Lawyer-Magistrates?

Mr. ABDUL KARIM : Up till now 102 Lawyer-Magistrates are there. So far as the Caste Hindu quota is concerned, there is no vacancy There are some vacancies for Muslims and Scheduled Castes, and as soon as recommendations come from the Public Service Commission Government will fill up those vacancies.

Mr. NIHARENDU DUTT-MAZUMDAR : Will the Hon'ble Minister be pleased to state how many Lawyer-Magistrates there are at present?

Mr. ABDUL KARIM : I have already said that there are 102 Lawyer-Magistrates now.

Mr. ABDUS SABUR KHAN : Will the Hon'ble Minister be pleased to state if Communal Ratio Rules are maintained by the Public Service Commission while selecting these candidates?

Mr. ABDUL KARIM : That Communal Ratio Rules are maintained by the Government, that much I can say.

Mr. MUHAMMAD HABIBULLAH CHAUDHURY : Will the Hon'ble Minister be pleased to state if the Public Service Commission do not select all members from any particular community how can Government generally give effect to the Communal Ratio Rules?

Mr. ABDUL KARIM : These interviews are made periodically by the Public Service Commission. If at the first instance a sufficient number of qualified Muslim candidates are not available, they have to wait for the next chance.

Mr. NIHARENDU DUTT-MAZUMDAR : Will the Hon'ble Minister be pleased to state what accounts for the time lag between the posts falling vacant and the selection of candidates or between the number of candidates recommended and the number of posts falling vacant?

Mr. ABDUL KARIM : As I have already said, Government request the Public Service Commission to submit names periodically. So Government fix up an approximate number for which they ask the Public Service Commission to recommend names and from that quota Government appoint according to necessity.

Mr. NIHARENDU DUTT-MAZUMDAR : Will the Hon'ble Minister be pleased to state if the Government's quota of requisition has any bearing on the number of posts falling vacant or it is done whimsically?

Mr. ABDUL KARIM : Government gives an approximate idea.

Mr. MUHAMMAD KHUDA BUKHSH: Will the Hon'ble Minister be pleased to state whether Government fix the communal quota before referring the matter to the Public Service Commission?

Mr. ABDUL KARIM : Certainly.

Mr. NIHARENDU DUTT-MAZUMDAR : With regard to the number of posts falling vacant and the number of candidates to be recommended, will the Hon'ble Minister be pleased to state whether it is a fact that this state of affairs exists with a view to making manipulations by Government to set at nullity the recommendations of the Public Service Commission?

Mr. ABDUL KARIM : No, certainly not.

Mr. MIRZA ABDUL HAFIZ : Will the Hon'ble Minister be pleased to state the reason why Muslim and Scheduled Castes quotas have not been filled up?

Mr. ABDUL KARIM : Because the requisite number of candidates have not yet been recommended by the Public Service Commission.

Auxiliary Government Hospitals in the district of Chittagong.

***271. Mr. AHMED KABIR CHOWDHURY:** Will the Hon'ble Minister in charge of the Health Department be pleased to state—

(*a*) what is the number of Auxiliary Government Hospitals in the district of Chittagong and the number of beds in each (the figures to be shown thana by thana);

(*b*) what is the number of patients admitted in the year 1946;

(*c*) how many of them died, and how many left after full recovery [the figures for (*b*) and (*c*) to be shown hospital by hospital];

(*d*) what is the present number of patients in each, and what is the average daily cost per bed;

(*e*) what kinds of patients are admitted in those hospitals;

(*f*) what provision has been made for cremation of the dead patients;

(*g*) what principle was followed to select the sites of such Auxiliary Government Hospitals in Chittagong;

(*h*) who supervises the working of the hospitals; and

(*i*) whether Government have any more scheme to increase the number of beds and hospitals in the district of Chittagong; and, if so, when?

Mr. S. A. Salim (on behalf of the Hon'ble Mr. Mohammad Ali); (*a*) to (*c*) A statement is laid on the Library Table.

(*d*) For number of patients please see column 8 of the statement. Average daily cost per bed Rs.2-4.

(*e*) Originally the hospitals were started for the famine victims. Now all classes of patients are admitted in them.

(*f*) As far as practicable services of the local associations are utilised for the disposal of the dead bodies which are unclaimed. When this is not possible the Superintendent of the hospital makes arrangements for the disposal of the body with the help of the menials of the hospital or the local people, using his discretion.

(*g*) Most of the hospitals were started as famine relief measures during the last famine and were opened at places where their need was most felt. Later nine 20-bed hospitals were opened in the interior of the district on the recommendation of the local officers.

(*h*) The Civil Surgeon, the Additional Civil Surgeon, the Deputy Inspector of Hospitals, the Deputy Surgeon-General, Auxiliary Government Hospitals, and the Surgeon-General.

(*i*) No.

Mr. MUHAMMAD HABIBULLAH CHAUDHURY: Will the Hon'ble Minister be pleased to state whether he is aware that in selecting sites the officers selected only those places which are inhabited by more fortunate persons and the areas like Cox's Bazar, Rangunia and other places have been deprived of hospitals?

Mr. S. A. SALIM: I would refer you to answer (*g*).

Mr. FAZLUL QUADIR: Will the Hon'ble Minister be pleased to state whether there is any local committee to supervise these hospitals?

Mr. S. A. SALIM: I ask for notice.

Mr. MUHAMMAD HABIBULLAH CHAUDHURY: Will the Hon'ble Minister be pleased to consider the desirability of consulting the local M.L.A.s and other representatives of different communities before selection of sites, or change of sites, where necessary?

Mr. S. A. SALIM: The Chairman of the District Board is always consulted as far as sites are concerned.

Mr. FAZLUL QUADIR: Will the Hon'ble Minister be pleased to state whether these nine 20-bed hospitals are on a permanent or temporary basis?

Mr. S. A. SALIM: I have already replied the other day that these hospitals have been set up for five years for the present.

Improvement of Jamalpur-Sherpur Road in Mymensingh district.

***272. Khan Bahadur FAZLUR RAHMAN:** (*a*) Will the Hon'ble Minister in charge of the Works and Buildings Department be pleased to state—

(*i*) whether Jamalpur-Sherpur Road in Mymensingh district is the gateway to the northern portion of the Jamalpur subdivision;

(ii) whether lakhs of maunds of paddy and rice and other commoditie pass by this road from the surplus area of this subdivision;

(iii) whether it is a fact that the road has deteriorated to a great exten and remains almost impassable throughout the whole year o account of floods and excessive traffic on account of transpor of rice and paddy from the surplus area;

(iv) whether it is a fact that the movement of rice and paddy and othe commodities becomes difficult and costly to the detriment of th interest of both the growers and consumers; and

(v) whether the Hon'ble Minister is aware that the financial positio of the District Board concerned is not being able to cope wit the expenditure necessary to keep the road in proper conditio as it was in pre-war times?

(b) If the answer to (a) is in the affirmative, is the Hon'ble Ministe considering the desirability of taking up the responsibility of the road a once and bringing it in proper condition?

Dr. BHOLA NATH BISWAS (on behalf of the Hon'ble Mr. Dwarka nath Barori (a)(i) It is an important road of the northern part of th subdivision.

(ii) A lot of goods pass by this road.

(iii) to (v) It is reported that the District Board, which owns the road has not been able to keep it in proper condition and therefore the movemen of commodities on it becomes difficult at times.

(b) The road is included in the post-war road plan of the district. Th time when it can be taken up is under consideration of Government.

Mr. AMULYA CHANDRA ADHIKARI : Will the Hon'ble Ministe be pleased to state if the transport of imported foodgrains like rice an paddy was hampered on account of the bad condition of this road?

Dr. BHOLA NATH BISWAS : Yes.

Mr. AMULYA CHANDRA ADHIKARI : Will the Hon'ble Ministe be pleased to state why, knowing fully well that this road was an importan one, the authorities did not take care to repair this road during the las five or six years?

Dr. BHOLA NATH BISWAS : It is a district board road.

Mr. AMULYA CHANDRA ADHIKARI : In view of the fact that i was one of the most important roads, will the Hon'ble Minister conside the desirability of taking up this road under the Post-War Road Develop ment Scheme?

Dr. BHOLA NATH BISWAS : It is under the consideration o Government, but it cannot be said definitely whether it will be taken u under the five-year road plan.

Mr. AMULYA CHANDRA ADHIKARI : Will the Hon'ble Ministe be pleased to state whether the repairing work of this road will be take up at all?

Dr. BHOLA NATH BISWAS : It is entirely in the discretion of th District Board concerned.

Mr. BENODE CHANDRA CHAKRABORTY : Will the Hon'bl Minister be pleased to state what is the length of the road, and whether covers a big area?

Dr. BHOLA NATH BISWAS : It is a big road and it is about nin miles in length.

Mr. MONORANJAN DHAR : Will the Hon'ble Minister be pleased to state if ever Government made any enquiry from the District Board as to why they were not taking up the repair of the road?

Dr. BHOLA NATH BISWAS : Because of the bad financial position of the District Board.

Mr. BIMAL CHANDRA SINHA : Will the Hon'ble Minister be pleased to state whether the district boards are entrusted with the repair or building or rebuilding of roads included in the Post-War Road Scheme?

Dr. BHOLA NATH BISWAS : This road has not yet been taken up under the Post-War Road Scheme.

Mr. BIMAL CHANDRA SINHA : Will the Hon'ble Minister be pleased to look into the reply and find out that it is included in the Post-War Road Scheme?

Dr. BHOLA NATH BISWAS: It is under the contemplation of Government and it has not yet been settled when it will be taken up by Government.

Mr. BIMAL CHANDRA SINHA : Mr. Speaker, Sir, the fact is that it has been included in the post-war road plan and only the question when it will be taken up is under the consideration of Government.

Dr. BHOLA NATH BISWAS : It is under consideration of Government when Government will take it up but it has not yet been settled.

Mr. BIMAL CHANDRA SINHA : My question is that once it has been included in the Post-War Road Scheme how can the District Board take up this work?

Dr. BHOLA NATH BISWAS : Well, Sir, construction is one thing and the plan another.

Mr. MUHAMMAD HABIBULLAH CHAUDHURY : Will the Hon'ble Minister be pleased to state whether the District Board of Mymensingh can expect any help from Government pending the final decision on the Post-War Road Scheme?

Dr. BHOLA NATH BISWAS : It lies with the Local Self-Government department.

Mr. BENODE CHANDRA CHAKRABORTY : Will the Hon'ble Minister be pleased to state if he is in a position to state when the consideration of Government will be finalised?

Dr. BHOLA NATH BISWAS : I cannot say that.

Mr. BIMAL CHANDRA SINHA : Will the Hon'ble Minister be pleased to state if it is a fact that roads included in the Post-War Road Plan belong to different categories of National Highways, Provincial Highways and District Highways and, if so, in what category this particular road has been included?

Dr. BHOLA NATH BISWAS : That has not yet been fixed.

Mr. NIHARENDU DUTT-MAZUMDAR : Will the Hon'ble Minister be pleased to state whether, in view of the extreme importance of this road, Government is considering the urgency of coming to a decision about the time when the road is to be reconstructed?

Dr. BHOLA NATH BISWAS : I have nothing further to add.

Mr. H. A. LUKE : Will the Hon'ble Minister be pleased to state whether it is not a fact that the present state of this road is due to the sheer negligence and incompetence of the District Board?

Dr. BHOLA NATH BISWAS : It may be so.

Mr. BIMAL CHANDRA SINHA: Will the Hon'ble Minister be pleased to state if it is not a fact that Government have already issued a book for official use in which full enumeration has been given of all the roads whether they belong to the provincial scheme, the national highways scheme or the district road scheme?

Dr. BHOLA NATH BISWAS : It has not yet been ascertained in which category this road will be included, but Government contemplate to give it first preference.

Mr. BIMAL CHANDRA SINHA : Will the Hon'ble Minister be pleased to state whether copies of the report which I have mentioned have been issued to members of the District Development Committees, especially of 24-Parganas? Sir, I am in possession of a copy.

Dr. BHOLA NATH BISWAS : I am not aware of that.

Mr. SPEAKER: This is furnishing information and not eliciting it.

Mr. NIHARENDU DUTT-MAZUMDAR : Will the Hon'ble Minister be pleased to state, in view of the answer just given that the bad state of this road is due to the negligence of the District Board, who is the Chairman of Mymensingh District Board?

Mr. SPEAKER : I do not think that this falls within the scope of this question.

Mr. ISWAR CHANDRA MAL : Will the Hon'ble Minister be pleased to state what is the reason for the bad financial condition of this District Board as stated by him?

Dr. BHOLA NATH BISWAS : I cannot say that.

Mr. NIHARENDU DUTT-MAZUMDAR : Will the Hon'ble Minister be pleased to state what amount of road cess this District Board gets from that area in which that road is situated?

Dr. BHOLA NATH BISWAS: I ask for notice.

Mr. MONORANJAN DHAR : Will the Hon'ble Minister be pleased to state if the Mymensingh District Board ever approached the Government for financial aid for the repairing of roads?

Dr. BHOLA NATH BISWAS : It falls under the category of the Local Self-Government Department.

UNSTARRED QUESTION

(answer to which was laid on the table)

Re-employment of discharged war personnel.

83. Dr. SURESH CHANDRA BANERJEE: (*a*) Will the Hon'ble Minister in charge of the Home (Defence) Department be pleased to state—

(*i*) how many people were recruited from Bengal for services directly or indirectly connected with the last war;

(*ii*) how many of them have been made permanent in their services;

(*iii*) how many have already been discharged;

(*iv*) how many are likely to be discharged in near future; and

(*v*) of those already discharged, how many have been provided with fresh job either—

(1) with Government, or

(2) with non-official organisations?

(*b*) Do the Government propose to undertake any plan of reconstruction with a view to employ those who have been discharged but not provided with any fresh service or who are likely to be discharged?

MINISTER-in-charge of the HOME (DEFENCE) DEPARTMENT (the Hon'ble Mr. H. S. Suhrawardy) : (*a*)(*i*) A statement (I) showing the information available is laid on the Table.

(*ii*) Complete information is not available.

(*iii*) A statement (II) based on actual releases is laid on the Table.

(*iv*) I am not in a position to furnish full information on this point.

(*v*) 5,484 up to January, 1947, as far as known. Separate figures for (1) and (2) not available.

(*b*) Yes. Government have several plans and schemes for the rehabilitation and resettlement of demobilised personnel as indicated in statement (III) laid on the Library Table.

Statement referred to in reply to clause (a)(i) of unstarred question No. 93.

STATEMENT I.

STATEMENT SHOWING THE NUMBER OF PERSONS RECRUITED DIRECTLY OR INDIRECTLY CONNECTED WITH THE LAST WAR

(*i*) Army, R.I.N., R.I.A.F., Merchant Seamen, C.P.F., W.A.C.(I) ..	271,689
(*ii*) A.R.P., P.R.I.S., A.F.S., B.F.S., Emergency Medical Service, Home Guard Adjutants and Assistant Adjutants, Civic Guards ...	36,908
Total ...	308,597

Statement referred to in reply to clause (a)(iii) of unstarred question No. 93

STATEMENT II.

STATEMENT SHOWING THE NUMBER OF EX-SOLDIERS AND EX-WAR WORKERS ON THE BASIS OF ACTUAL RELEASES.

(*i*) Army actual releases up to June, 1946 (including 116 officers)—38,244

(*ii*) R.I.N. and R.I.A.F.—Figures not known.

(*iii*) A.R.P. (up to 30th November, 1945)—23,138.

(*iv*) P.R.I.S. (up to 30th November, 1945)—484.

(*v*) A.F.S. (up to 31st January, 1946)—671.

(*vi*) B.F.S. (up-to-date)—1,004.

(*vii*) Emergency Medical Service (up-to-date)—709.

(*viii*) Home Guard Adjutants and Assistant Adjutants (up-to-date)—149.

(*ix*) Civic Guards (up-to-date)—7,796.

(*x*) Merchant Seamen, W.A.C.(I)—Figures not known.

(*xi*) Civil Pioneer Force (up-to-date)—12,299.

Mr. MUHAMMAD HABIBULLAH CHAUDHURY : Arising out of the answer (*b*), will the Hon'ble Minister be pleased to state whether these 5,484 persons have been provided with fresh jobs in the different departments of Government?

Mr. ABDUL KARIM : It is not possible for me to state offhand the names of different places where they have been appointed.

Mr. MUHAMMAD HABIBULLAH CHAUDHURY : Will the Hon'ble Minister be pleased to state whether Government are considering the desirability of absorbing the ex-military personnel in the Armed Police and in the Eastern Frontier Rifles?

Mr. ABDUL KARIM : I have already stated that they are going to be rehabilitated under the different schemes referred to in statement III.

Mr. AMULYA CHANDRA ADHIKARI : Will the Hon'ble Minister be pleased to state if he is aware of the fact that the demobilised personnel and their families are most hard hit owing to the sudden unemployment that has cropped up due to this demobilisation?

Mr. ABDUL KARIM : Whether they are hard hit or not is a matter of opinion.

Mr. MUHAMMAD HABIBULLAH CHAUDHURY : Will the Hon'ble Minister be pleased to state whether he is aware that there is a very strong feeling in the country that these demobilised soldiers should be recruited and Gurkhas and other outsiders should be replaced by these people in the Armed Police Force and the Eastern Rifles?

Mr. ABDUL KARIM : There is a public opinion for employing them in the Police Department particularly those who are fit for it.

Mr. BIMAL COMAR CHOSE : Will the Hon'ble Minister be pleased to state if the plans and schemes referred to in answer (*b*) have at all been implemented so far?

Mr. ABDUL KARIM : They are under the Post-war Reconstruction Schemes.

Mr. BIMAL COMAR CHOSE : Will the Hon'ble Minister be pleased to state if any of the schemes—even one of the schemes—has so far been put into execution?

Mr. ABDUL KARIM : I want notice.

Mr. CANENDRA CHANDRA BHATTACHARJEE : Will the Hon'ble Minister be pleased to state if the persons who joined the I.N.A. have been given any employment?

Mr. ABDUL KARIM : I have no such information.

Mr. AMULYA CHANDRA ADHIKARI : Will the Hon'ble Minister be pleased to state the nature of the scheme of training centre for demobilised personnel belonging to the Garo Hills at Berisri?

Mr. ABDUL KARIM : I am not in a position to describe the nature of the scheme here. I would refer the honourable member to the scheme itself.

Mr. BIMAL COMAR CHOSE : With reference to answer (*a*) (*v*), will the Hon'ble Minister be pleased to state the agency through which the information was collected?

Mr. ABDUL KARIM : The Employment Exchange.

Mr. MUHAMMAD HABIBULLAH CHAUDHURY : Arising out of statement (I), how many of these persons belonged to the Army, how many to R.I.N.; how many to R.I.A.F., how many to Merchant Seamen; how many to C.P.F. and how many to W.A.C.(I)?

Mr. ABDUL KARIM : I have obtained only the consolidated figures : Army, R.I.N., R.I.A.F., Merchant Seamen, C.P.F., W.A.C. (I) —271, 689 and A.R.P., P.R.I.S., A.F.S., B.F.S., etc.—36,908.

Mr. MUHAMMAD HABIBULLAH CHAUDHURY : I want the figures separately.

Mr. ABDUL KARIM : We have not obtained those figures separately.

Mr. BIMAL CHANDRA SINHA : Will the Hon'ble Minister be pleased to state how far these plans and schemes for the rehabilitation and resettlement of demobilised personnel have been put into effect and whether it is a fact that the post-war schemes are entirely meant for settling the demobilised personnel?

Mr. ABDUL KARIM : I would refer the honourable member to statement (III). I have nothing further to add to that.

Mr. MUHAMMAD HABIBULLAH CHAUDHURY : Will the Hon'ble Minister be pleased to tell us what are the W.A.C.(I) personnel doing at the present moment?

Mr. ABDUL KARIM : It is part of the Army.

Mr. BIMAL CHANDRA SINHA : Will the Hon'ble Minister be pleased to state the nature of employments that have been given to these demobilised personnel and whether these new employments are equal in status and pay to the employments they had in the Army?

Mr. ABDUL KARIM : I am not in a position to state because I have not received details from the Employment Exchange which is under control of the Government of India.

Mr. MUHAMMAD OSMAN GANI : Will the Hon'ble Minister be pleased to state whether all these persons discharged from war service were unemployed before joining the war service?

Mr. ABDUL KARIM : I am unable to say that.

Mr. MUHAMMAD HABIBULLAH CHAUDHURY : I have just been told by my friend Mr. Wordsworth that these W.A.C. (I) personnel are now trying to get married. Will the Hon'ble Minister be pleased to enlighten us on this point and tell us whether Government are trying to rehabilitate these personnel to get married? (Laughter.)

(No reply.)

Message from the Bengal Legislative Council.

Secretary then read the following message :—

"That the concurrence of the Bengal Legislative Assembly be asked to the Bengal Public Demands Recovery (Amendment) Bill, 1947, as passed by the Bengal Legislative Council at its meeting held on the 21st April, 1947."

GOVERNMENT BILL.

The Bengal Non-Agricultural Tenancy Bill, 1946.

(*Ruling of Mr. Speaker.*)

Mr. SPEAKER : Yesterday when Mr. Luke was moving an amendment to a certain clause of the Bill, a point of order was raised by Mr. Datta that the amendment was not in order and it was not permissible. I have considered the matter carefully and I give my decision thereon.

It may be stated that under rule 42(*1*) of the Legislative Assembly Procedure Rules an amendment must be relevant to, and within the scope of, the question to which it is proposed. That means amendments will be out of order if they are not relevant to the Bill. A Bill which is limited in aim, scope and object cannot by means of amendments create any more extension of right beyond the principles and provisions of the Bill. It is also not correct to insert new principles beyond those which a Bill seeks to affirm or enact, but an amendment which cannot be properly proposed to a clause of a Bill and not relevant to it having regard to subject matter and context is irrelevant to the clause itself though it may be possible to have the amendment as a new clause if within the scope of the Bill.

Here in the proposed amendment the honourable member seeks to insert a new clause and it is quite permissible to have the amendment if it can be shown that the proposed amendment is within the scope of the Bill. This amendment appears as clause 55 of the introduced Bill. What does the amendment propose to do? It appears that there is a proposal to extinguish the rights with respect to certain lands held by non-agricultural tenants. In this view of the fact it is within the scope of the Bill as the scope of the Bill is to make certain provisions relating to the law of landlord and tenant in respect of certain non-agricultural tenancies in Bengal. In the preamble the expression is " to make better provision relating to the land of landlord and tenant " which means betterment of the lot of the landlord as well as of the tenant. The new clause seeks to better the lot of the landlord. It cannot, therefore, be held that the proposed clause is outside the scope of the Bill. It is for the House to decide whether better provision is to be made with respect to the landlords.

The scope of a Bill is to be determined with reference to its preamble, its aims and objects and with due regard to the citations and provisions in the Bill itself. The law connotes the whole field of law and therefore provision for extinguishment of rights of tenants in non-agricultural land tenancies by such landlords by acquisition of such interest is within the scope of this Bill and a Civil Court can require them to sell their interest on an application if made by landlords. In the Bengal Tenancy Act there is a section almost similar to the present one, namely, section 84 standing in the Act, which, I believe, has not been challenged as yet as one outside the scope. There the provision has been made for acquisition of land for building and other purposes through a Civil Court on the application of the landlord of a holding. The preamble of the Bengal Tenancy Act intended to amend certain enactments relating to the law of landlord and tenant and the section 84 was inserted to provide acquisition of land for certain purposes. It appears from the amendment that attempt is made to see that non-agricultural tenant holding certain lands will have to face claim for acquisition of such land for industrial purposes on an application through a Civil Court if made by the landlord in extinguishment of the rights.

So the proposed amendment is in order with one restriction under the Government of India Act, 1935. It requires sanction under section 299(*3*) of the Government of India Act. The sanction has been given by the Governor in his discretion, and there is no further bar to move it.

A point also was raised with respect to the proposed new clause saying that if this clause be accepted, there will be a conflict of sion which has been already given by the House. This clause appear clause 56 of the introduced Bill. In this clause the words " Notwithst ing anything elsewhere " appear. So this clause overrides other provis of the Bill and makes a special case. If this clause be carried, no o clause is hit and there is no conflict of decision. This clause make special case, exempted from, the general provision for which a agricultural tenant shall not be liable to be ejected from his land.

The amendments are, therefore, in order.

Mr. BIMAL CHANDRA SINHA : Arising out of your ruling, Si would beg of you to clarify one point for our benefit. I think, Sir, one point was standing in its way and that was section 299 of the Gov ment of India Act. That section, if I remember aright, provides acquisition with compensation and for the necessity of Governor's sanc to move an amendment. If that be so, and if Governor's sanction required, one point that requires clarification is whether, if a pri member wants to move an amendment which requires sanction of Governor, the amendment should be referred to the Governor and sanc obtained beforehand, or what should be the procedure for obtaining s sanction?

Mr. SPEAKER : The procedure which obtains here is this that amendment is sent to the Assembly and then after examination if i found that the Governor's sanction is necessary, the Assembly Dep ment sends it for the necessary sanction of the Governor.

Mr. BIMAL CHANDRA SINHA : If it is held to be in order, I take it that Governor's sanction is behind it?

Mr. SPEAKER : Governor's sanction has since been obtained in case.

New Clauses 52A and 52B.

Mr. H. A. LUKE : Sir, I beg to move that after clause 52 the foll ing new clauses be inserted, namely :—

" 52A. (*1*) A Civil Court may, on the application of the landlord tenancy, and on being satisfied that he is desirous of acquir the tenancy or any part thereof for *bona fide* mining, busin or manufacturing purposes or as building ground for any such purposes or for access to land used or required for any such purposes or for any other purpose ancillary thereto and being satisfied on the certificate of the Collector that the purp is reasonable and sufficient, authorise the acquisition of the la comprised in the tenancy by the landlord upon such conditi as the Court may think fit, and require the non-agricultu tenant to sell his interest in the whole or such part of tenancy to the landlord upon such terms as may be approved the Court, including full compensation to such tenant;

Provided that nothing in this section shall apply to a tenancy in wh a non-agricultural tenant has acquired a permanent right un a written contract prior to the commencement of this Act.

(2) If the landlord tenders to the tenant such sum as the Court approved under sub-section (*1*) as compensation and the ten refuses to receive the same the Court shall on the landl depositing the said sum in Court give possession of the land the landlord in the prescribed manner."

"52B. Where a tenancy is held by a non-agricultural tenant subject to the condition of employment in any industrial concern, such tenant shall, notwithstanding anything elsewhere contained in this Act, be liable to be ejected from the land comprised in such tenancy on the termination of such employment."

Sir, as you have yourself said that if this amendment be accepted, no other clause will be hit. We feel that it is a very important clause which should be inserted in the Bill before it is passed, otherwise there is danger that a non-agricultural tenant may be obstructive in many ways. I, therefore, recommend that this clause may be accepted by the Government.

The Hon'ble Mr. FAZLUR RAHMAN : So far as section 52A is concerned, Government is not prepared to accept this amendment as an extraordinary power will be given to the landlord for acquisition of the land of the tenant by this section. If there is a genuine industrial purpose, the landlord may resort to Land Acquisition Act. Even under the present Land Acquisition Act many lands are being acquired for industrial concerns.

With regard to 52B that amendment appears to be reasonable and I am inclined to accept it, but this will require a re-drafting and I would ask the honourable member to move this amendment in the form suggested by the Government draftsman and then I will be in a position to accept it.

Mr. BIMAL CHANDRA SINHA : Sir, is it now in order for anyone of us to speak on this amendment?

Mr. SPEAKER : No; the honourable member has been asked for his opinion.

Mr. BIMAL CHANDRA SINHA : On a point of order, Sir. This is a very interesting point of order which I call upon you to decide. You held sometime ago that all these are motions. If that be so, if amendments come in the form of motions and if the mover of a motion is a private member, the right of reply exists with the private member and not with Government. You might refer to May's 14th Edition where we find that he has made a distinction between substantial motion and subsidiary motion, but that practice does not obtain in this House. If that be so, Sir, when an amendment comes in the form of a motion, the mover of the motion has the right of reply and Government has no right of reply. In this case I was waiting for the Government member to speak and on hearing him speak I claim my right to say what I have to say and the final right of reply rests with the mover of the motion. That is the constitutional position, I submit

The Hon'ble Mr. FAZLUR RAHMAN : The point is that the private member, as I understand it is a motion, has the right of reply, but Government has the right of reply on the original motion. But when no member wants to give a reply, then the Hon'ble Minister replies on the original motion itself.

I now understand that the amendment is quite all right as has been moved, because there is practically no change and the honourable member need not move it in the form suggested, because the form is practically the same.

The motion of Mr. H. A. Luke that after clause 52 the following new clause be inserted, namely :—

"52A. (*1*) A Civil Court may, on the application of the landlord of a tenancy, and on being satisfied that he is desirous of acquiring the tenancy or any part thereof for *bona fide* mining, business or manufacturing purposes or as building ground for any of such purposes or for access to land used or required for any of such purposes or for any other purpose ancillary thereto and on

being satisfied on the certificate of the Collector that the purpose is reasonable and sufficient, authorise the acquisition of the lands comprised in the tenancy by the landlord upon such conditions as the Court may think fit, and require the non-agricultural tenant to sell his interest in the whole or such part of the tenancy to the landlord upon such terms as may be approved by the Court, including full compensation to such tenant;

Provided that nothing in this section shall apply to a tenancy in which a non-agricultural tenant has acquired a permanent right under a written contract prior to the commencement of this Act.

(2) If the landlord tenders to the tenant such sum as the Court has approved under sub-section (1) as compensation and the tenant refuses to receive the same the Court shall on the landlord depositing the said sum in Court give possession of the land to the landlord in the prescribed manner."

was then put and lost.

The motion of Mr. H. A. Luke that after clause 52 the following new clause be inserted, namely:—

"52B. Where a tenancy is held by a non-agricultural tenant subject to the condition of employment in any industrial concern, such tenant shall, notwithstanding anything elsewhere contained in this Act, be liable to be ejected from the land comprised in such tenancy on the termination of such employment."

was then put and agreed to.

Clause 52.

Mr. DHIRENDRA NATH DATTA: Sir, my amendment No. 228 in respect of clause 52 was not put to vote.

Mr. SPEAKER: It has been pointed out to me that there was an amendment No. 228 moved by Mr. Dhirendra Nath Datta under clause 52 but it was not put to vote. I cannot exactly remember, but as this point has been raised it is better that there should be a decision. So I put the amendment to vote.

The motion of Mr. Dhirendra Nath Datta that the proviso to clause 52(1) be omitted, was then put and lost.

The question that clause 52 stand part of the Bill was then put and agreed to.

Clauses 57 and 58.

The question that clauses 57 and 58 stand part of the Bill was then put and agreed to.

Clause 59.

Mr. CHARU CHANDRA BHANDARI: Sir, I beg to move that in Clause 59(1), lines 2 to 4, the words beginning with "which is situated" and ending with the expression "Bengal Municipal Act, 1932" be omitted.

Sir, amendment No. 231 and amendment No. 238 constitute one amendment. Therefore I beg to move that amendment also. I move that in clause 59(1), the following new proviso be added as the first proviso, namely:—

"Provided that no tenant holding land not being non-agricultural land situated in areas other than those constituted a Municipality under the provisions of the Bengal Municipal Act, 1932, shall be

entitled to apply under this sub-section except in the case where such land is required to be converted for homestead or residential purposes."

Sir, clause 59 deals with conversion of agricultural or horticultural land for the purpose of non-agricultural tenancy and this clause proposes to confer a right to convert such land, but this right of conversion has been confined to municipal areas. The purpose of my amendment is that I want to extend this right of conversion to other areas also. Conversion of agricultural or horticultural land into non-agricultural land is necessary not only in municipal areas. It is no less necessary in small towns where there is no municipality. It is no less necessary in *hats*, bazars and *ganjas*. It is no less necessary in rural areas, in villages. Sir, in congested villages and in many parts of the province, as for instance, in the southern parts of 24-Parganas, the Sunderbans and some other parts of this province there is dearth of homestead land, and village people, especially *raiyats* and under-*raiyats*, suffer great hardship for want of such homestead land, and under the provisions of the Bengal Tenancy Act *raiyats* and under-*raiyats* have no right to convert land for homestead purposes, and in congested areas for this dearth of homestead land they suffer a great deal. So it is desirable that as soon as possible such right of conversion of agricultural land into non-agricultural one should be conferred upon village people as well as upon tenants in small towns where there is no municipality as well as tenants in *hats*, bazars and *ganjas*.

Sir, considering the necessity of conferring such rights upon the tenants, in clause 75 of the State Acquisition and Tenancy Bill which has been introduced, it has been provided that *raiyats* will have the right of using their land for purposes which are consistent with the principle of good husbandry or for making improvement of the land for purposes including erection of structure for residential purposes and for excavation of tanks. Sir, it will be a very long time before village people will get benefit of the provisions of the State Acquisition Act, because it will be a very long time before this Bill will come into operation or all the area in the province will be acquired under the State Acquisition and Tenancy Act. And, in the meantime, the poor tenants of the villages or the tenants in small towns where there is no municipality should not be kept waiting. Hence my amendments. In these days of renaissance and all round improvement in society, such rights should be conferred as soon as possible not only for residential purposes but for business and other purposes also, and if the Hon'ble Minister in charge of the Bill accept the principle suggested by me I am prepared to withdraw my second amendment which still restricts the right of tenants for conversion of land only for residential purposes. I am prepared to concede the right for conversion of the land for all purposes including residential and business purposes. Therefore, Sir, I request the Minister in charge of this Bill to accept the amendment which confers right upon tenants in other areas than municipalities to convert their land for non-agricultural purposes, and they should not be kept waiting for the passing of the State Acquisition Tenancy Bill. With these words, Sir, I commend my motion for the acceptance of this House.

Mr. DHIRENDRA NATH DUTTA: Mr. Speaker, Sir, may I say a few words in this connection?

The Hon'ble Mr. FAZLUR RAHMAN: We are going to accept the amendment.

Mr. MUHAMMAD ISRAIL: I am going to move short-notice amendments.

The Hon'ble Mr. FAZLUR RAHMAN: Mr. Datta, you speak after that.

Mr. MUHAMMAD ISRAIL : Sir, with your permission I beg to move on short notice—

that in the heading to clause 59 the words "in Municipal areas" be omitted ;

that in sub-clause (*1*) of clause 59 for the words and figures "constituted a municipality under the provisions of the Bengal Municipal Act, 1932," in lines 3-4, the words "to which this Act extends" be substituted;

that in sub-clause (*1*) of clause 56 for the words "the Collector may," in lines 7-8, the words "the Collector shall" be substituted;

that in sub-clause (*1*) of clause 59 for the words "as the Collector considers fair and equitable," in line 10, the words "not exceeding twice the rent for the time being payable for such land, as the Collector may fix" be substituted;

that sub-clause (*2*) of clause 59 be omitted.

So far as amendments 232A and 232B are concerned, the necessity for such amendments has already been explained in the speech delivered by Mr. Narendra Singh Singhi. Members are aware that there are subdivisional towns like Munshiganj, Feni, Natore where there is no municipality, and there are many towns and *bundars* like Mirkadim, Bhairab, Narsingdi where there is no municipality. If the Bill remains as it is the people though they may be in subdivisional towns with big markets but not a municipality will not be able to have the advantage of this provision. If my amendments are accepted conversion for the purposes of business, residential and other needs, will be possible all over and the Act will apply wherever needed.

So far as amendment 232C is concerned, here power has been given to the Collector for conversion. He has been given discretion. But as we want that the country should advance industrially, we think that instead of giving him discretion, it should be made obligatory on him and conversion should take place as a matter of course. So the word "may" is sought to be substituted by "shall," so that the Collector may not refuse conversion. For industrialisation conversion is much more necessary now.

As far as amendment 232D is concerned, my purpose is to determine a fair and equitable rent; to restrict power of the Collector I am putting that the rent of the non-agricultural land should not be enhanced more than twice the rent that is payable.

In view of amendment 232D I have moved amendment No. 232E because sub-clause (*2*) of clause 59 becomes redundant.

Mr. DHIRENDRA NATH DATTA : Mr. Speaker, instead of moving amendments in this way, it would be better if they move that the whole clause be amended. We want to know what all the amendments moved by them put together come to.

The Hon'ble Mr. FAZLUR RAHMAN : If you come over here I will explain the matter to you.

Mr. SPEAKER : The House will adjourn for prayer and in the meantime you can sit together and come to an understanding. This matter will be taken up after prayer.

(At this stage, the House was adjourned for fifteen minutes.)

(*After adjournment.*)

Mr. DHIRENDRA NATH DATTA : Sir, with regard to clause 59, as sought to be amended by my friend Mr. Israil, I want to make this

observation. It is said that the Collector is to determine the fair and equitable rent, but the Collector's hand is restricted for the rent should in no case exceed twice the rent payable. It will act inequitably. It may be found that in the case of certain persons who hold the land at a low rate of rent, the rent that will be determined must exceed twice the rent, but the amendment provides that in no case the rent should exceed twice the rent. So, I think it will not be fair to the landlord and the tenant—the parties concerned—that the hand of the Collector should be restricted in this way. I suggest that what has been stated in the original clause, viz., subject to payment of such rent as the Collector considers fair and equitable, should remain. That is far better. The hand of the Collector should not be restricted in the way in which it is sought to be done. Fair and equitable means fair and equitable under the circumstances and I want to draw the attention of the Government to this aspect of the case.

Mr. H A. LUKE : Sir, I beg to move that in clause 59 (*1*), line 8, after the word "may," the words "after such enquiry as he may think fit and after giving the landlord and tenant an opportunity of being heard" be inserted.

I also beg to move that for clause 59 (*4*), the following be substituted, namely :—

> "(*4*) An appeal, if presented, within thirty days from the date of the order appealed against, shall lie to the District Judge from any order of the Collector under this section, and the order passed by the District Judge on such appeal shall be final."

Mr. SURESH CHANDRA DAS GUPTA : Sir, I beg to support this amendment of Mr. Luke.

এই amendment [illegible] কথা বলা হয়েছে, সেটা খুবই জরুরী, যাদের এ সম্বন্ধে জ্ঞান আছে তাঁরা জানেন—কমিশনারের [illegible] appeal করতে গেলে উকিল মোক্তারকে যথেষ্ট পয়সা দিতে হয়। আর কমিশনারকে সর্বদিন পাওয়াও যায় না [illegible] ছিল Touring Officer এক জায়গায় বসে থাকেন না। Divisionএ [illegible] মকদ্দমা [illegible] হয়। এজন্য District Judgeএর কাছে appeal করলে আইন মাফিক কাজও হয় এবং সঙ্গে সঙ্গে স্থানীয় উকিল মোক্তারও পাওয়া যায়। এইজন্য আমার মনে হয় এই amendmentটি গভর্নমেণ্টের গ্রহণ করা উচিত।

The Hon'ble Mr. FAZLUR RAHMAN : Sir, amendment No. 231 moved by my friend Mr. Charu Chandra Bhandari has been covered by the amendment moved by Mr. Israil and, therefore, I oppose the amendment as I am going to accept the amendment of Mr. Israil.

Amendment No. 238 really restricts the benefit that was intended to be given to the tenant by amendment No. 231 as also by the amendment of Mr. Israil and I am not prepared to restrict the benefit given to the tenant. Therefore, I oppose this amendment.

With regard to 233, it is not necessary in view of the amendment of Mr. Israil because there "shall" has been inserted in place of "may." When the word "shall" is there, the question of enquiry does not arise.

With regard to 242 where "Commissioner" has been replaced by "District Judge," there will be protracted civil proceedings and I do not think in a Bill like this appeal should lie to the District Judge—this has always been to the Commissioner because he will hear appeals of the Collectors and, as such, I oppose the amendment. I accept amendments 232A to 232E of Mr. Israil. What Mr. Israil intended is that when a tenant wants to convert his agricultural land into a non-agricultural land, the Court shall register that this has been converted as such. Further, what we have done here is this that the landlord will be entitled to a rent not exceeding twice the present rent. That is only fair. Supposing if the landlord did not allow him to convert the land into non-agricultural land,

it would not have affected the landlord at all. But, on the other hand, if the tenant is allowed to convert it for non-agricultural purposes, it affects both the tenant and the landlord because in that case the landlord will be able to get more than what he is receiving at the present moment as rent. I accept the amendments of Mr. Israil.

Mr. CHARU CHANDRA BHANDARI : In view of the fact that my amendment No. 231 is covered by the amendment of Mr. Israil, I beg to withdraw my amendment.

The motion of Mr. Charu Chandra Bhandari that in clause 59 (*1*), lines 2 to 4, the words beginning with the expression "which is situated" and ending with the expression "Bengal Municipal Act, 1932" be omitted, was then, by leave of the House, withdrawn.

The motion of Mr. H. A. Luke that in clause 59 (*1*), line 8, after the word " may," the words " after such enquiry as he may think fit and after giving the landlord and tenant an opportunity of being heard " be inserted, was then put and lost.

Mr. CHARU CHANDRA BHANDARI : Sir, I beg to withdraw my amendment No. 238.

The motion of Mr. Charu Chandra Bhandari that in clause 59(*1*), the following new proviso be added as the first proviso, namely:—

> " Provided that no tenant holding land not being non-agricultural land situated in areas other than those constituted a Municipality under the provisions of the Bengal Municipal Act, 1932, shall be entitled to apply under this sub-section except in the case where such land is required to be converted for homestead or residential purposes ",

was then, by leave of the House, withdrawn.

The motion of Mr. Muhammad Israil that in the heading to clause 59 the words " in Municipal Areas " be omitted, was then put and agreed to.

The motion of Mr. Muhammad Israil that in sub-clause (*1*) of clause 59, for the words and figures " constituted Municipality under the provisions of the Bengal Municipal Act, 1932," in lines 3-4, the words " to which this Act extends " be substituted, was then put and agreed to.

The motion of Mr. Muhammad Israil that in sub-clause(*1*) of clause 59 for the words " the Collector may " in lines 7-8 the words " the Collector shall " be substituted, was then put and agreed to.

The motion of Mr. Muhammad Israil that in sub-clause (*1*) of clause 59 for the words " as the Collector considers fair and equitable," in line 10, the words " not exceeding twice the rent for the time being payable for such land, as the Collector may fix " be substituted, was then put and agreed to.

The motion of Mr. Muhammad Israil that sub-clause (*2*) of clause 59 be omitted was then put and agreed to.

The motion of Mr. H. A. Luke that for clause 59(*4*), the following be substituted, namely :—

> " (*4*) An appeal, if presented within thirty days from the date of the order appealed against, shall lie to the District Judge from any order of the Collector under this section, and the order passed by the District Judge on such appeal shall be final," was then put and lost.

The question that clause 59 as amended stand part of the Bill, was then put and agreed to.

Clause 59A.

Mr. DHIRENDRA NATH DATTA : I beg to move that for clause 59A, the following be substituted, namely :—

"59A. Every entry in a record of rights finally published shall be evidence of the matter referred to in such entry and shall be presumed to be correct until it is proved by evidence to be incorrect in all suits between a landlord and non-agricultural tenant and when a civil court passes a decree in variance with such entries, it shall record its reasons for so doing."

Obviously it seems to be a better drafting than the drafting in case of clause 59A. What is the meaning of record of rights? This entry is presumed to be correct unless the contrary is proved. I think Government will consider the matter and accept my amendment.

The Hon'ble Mr. FAZLUR RAHMAN : I oppose this amendment on the ground that Clause 59A as drafted by the Select Committee is rather better than what has been suggested by my friend, Mr. Datta.

The motion of Mr. Dhirendra Nath Datta that for clause 59A, the following be substituted, namely :—

"59A. Every entry in a record of rights finally published shall be evidence of the matter referred to in such entry and shall be presumed to be correct until it is proved by evidence to be incorrect in all suits between a landlord and non-agricultural tenant and when a civil court passes a decree in variance with such entries, it shall record its reasons for so doing."

was then put and lost.

The question that clause 59A stand part of the Bill, was then put and agreed to.

Clause 59B.

The question that clause 59B stand part of the Bill, was then put and agreed to.

Clause 59C.

Mr. SURESH CHANDRA DAS GUPTA : Sir, I beg to move that in clause 59C lines 16 and 17, the words "six months" be substituted for the words "a reasonable time."

স্পীকার মহোদয়, in clause 59-C lines 16 and 17 এ যে reasonable time রয়েছে সেটা definite time নয়। এই জন্য আমি short notice দিয়ে বলতে চাই যে এটাকে six months করে দেওয়া হোক।

Mr. SHARFUDDIN AHMED : It will not be clearly understood unless I read the clause.

Mr. SPEAKER : He has got the amendment in his name.

Mr. SURESH CHANDRA DAS GUPTA: এই reasonable কথা দ্বারা definite কোন time বোঝায় না। এটা একটা গোলমালে কথা। এটার অর্থ অনেক কিছু হতে পারে। সেইজন্য আমি short notice দিয়ে বলছি যে এটাকে within six months time করা হোক। কারণ তা না হলে it will vary with the fiat of the judge.

Mr. SHARFUDDIN AHMED : Sir, the clause says "A suit for the ejectment of a non-agricultural tenant, on the ground that he has used the non-agricultural land in a manner which renders it unfit for use for any of the purposes specified in section 3A shall not be entertained unless the

landlord has served in the prescribed manner, a notice in writing on the non-agricultural tenant, specifying the particular misuse or breach complained of; and if the misuse of breach is capable of remedy, requiring the tenant to remedy the same, and the tenant has failed to comply within a reasonable time with that request."

This is more or less a consequential measure.

Mr. SURESH CHANDRA DAS GUPTA: স্যার, এই reasonable কথাটা একটা vague term হয়ে যাচ্ছে সুতরাং এই resonable time এর পরিবর্তে একটা particular time দেন— আমি এটাকে পরিবর্তন করে ৬ মাস করতে বলছি। আপনারা যদি ৬ মাস time না মানতে চান তাহলে অন্য একটা definite time দেন এই আমি বলতে চাচ্ছি।

The Hon'ble Mr. FAZLUR RAHMAN : Yes, everywhere the same expression is applied.

Mr. DHIRENDRA NATH DATTA : This expression has been taken from Section 155 of the Bengal Tenancy Act But I want to draw the attention of the Government to the fact that under section 155 of the Bengal Tenancy Act there is one sub-section, I mean sub-section (2) which says the "a decree passed in favour of a landlord in any such suit shall declare the amount of compensation which would reasonably be payable to the plaintiff for the misuse or breach, and whether, in the opinion of the Court, the misuse or breach is capable of remedy, and shall fix a period during which it shall be open to the defendant to pay that amount to the plaintiff, and, where the misuse or breach is declared to be capable of remedy, to remedy the same.

The Court may, from time to time, for special reasons, extend a period fixed by it under sub-section (2).

A similar sub-section is not to be found in this clause The Court shall fix the period. So though we have got a reasonable time in Section 155 of the Bengal Tenancy Act the Court has got the right to fix a period. So it is better inasmuch as it fixes a time limit. As this is omitted in the present clause it is better that we fix a period The period suggested by my friend—6 months—is very reasonable.

The Hon'ble Mr. FAZLUR RAHMAN : Sir, this clause has been taken from the Transfer of Property Act and there "reasonable time" has occurred, and not from the Bengal Tenancy Act Reasonable time has been used in many Acts and by this time by judicial rulings the meaning of the words "reasonable time" has been settled and as such, I think, this amendment is not necessary. Therefore I oppose the amendment and I accept the amendment of Mr. Sharfuddin Ahmed—252A.

The motion of Mr. Suresh Chandra Das Gupta in an amended form that in clause 59C, lines 16 and 17, the words "six months" be substituted for the words "a reasonable time," was then put and lost.

The motion of Mr. Sharfuddin Ahmed that for clause 59C, the following clause be substituted, namely:—

"Relief against forfeitures in certain cases."

"59C. A suit for the ejectment of a non-agricultural tenant, on the ground that he has used the non-agricultural land in a manner which renders it unfit for use for any of the purposes specified in section 3A, shall not be entertained unless the landlord has served in the prescribed manner, a notice in writing on the non-agricultural tenant.

(i) specifying the particular misuse complained of; and

(ii) If the misuse is capable of remedy, requiring the tenant to remedy the same,

and the tenant has, where the misuse is capable of remedy, failed within a reasonable time from the date of the service of the notice to remedy the misuse."

was then put and agreed to.

The question that clause 59C, as amended, stand part of the Bill was then put and agreed to.

Clauses 59D to 59L

The question that clauses 59D to 59L, stand part of the Bill was then put and agreed to.

Clause 60

Mr. DHIRENDRA NATH DATTA : Sir, I beg to move that clause 60(*a*)(*i*) be omitted

What I mean to say is that by the time this Bill will be passed into law the clause "Nothing in this Act shall apply to

(1) His Majesty for the purposes of the Crown Representative"

will have no meaning, because India will be free and there will be no Majesty for the purposes of the Crown Representative We shall anticipate matters and this should be omitted altogether

Mr. AULAD HOSSAIN KHAN : Sir I beg to move my amendment in a modified form with your permission I move that in sub-clause (*a*) of clause 60 after paragraph (*iii*) the following paragraph be added, namely :—

"(*iv*) any local authority or"

I also beg to move with your permission, a short-notice amendment as 254A, that for sub-clause (*c*) of clause 60, the following sub-clause be substituted, namely :—

"(*c*) any land acquired under the Land Acquisition Act, 1894, for the use of any department of Government which is for the time being held by the Revenue authorities on behalf of that department, or"

The latter amendment 254A, is consequential If 254 be carried, this amendment 254A is necessary It is intended by this amendment that District Board, Local Board, Municipality and other local bodies will have the same authority as that vested in the Government

Mr. SPEAKER : You have moved two amendments 254 and 254A?

Mr. AULAD HOSSAIN KHAN : Yes Sir, 254 in a modified form and 254A

Mr. SPEAKER : They should better be renumbered as 254A and 254B and 254 be treated as not moved.

Mr. SURESH CHANDRA DAS GUPTA : Mr. Aulad Hossain's amendment will extend the scope but will not give any relief to the tenants who come under the local authorities because you have extended the scope even by purchase or gift and if there is any tenant he will not get any relief.

Mr. DHIRENDRA NATH DATTA : Your intention is that in case of any land held by the local authority whether acquired under the Land Acquisition Act or by purchase or gift or otherwise, this Act will not apply. Is that your intention?

The Hon'ble Mr. FAZLUR RAHMAN : Yes, because it has been held for public purposes.

Sir, I oppose amendment No. 253 and I accept amendments No. 254A and 254B.

Mr. DHIRENDRA NATH DATTA : I want to know what will become of the clause "His Majesty for the purposes of the Crown Representative."

The Hon'ble Mr. FAZLUR RAHMAN : With regard to that we are proceeding under the 1935 Act. If that Act is replaced by any other Act this clause will be adapted under the then Adaptation Act as all the Acts previous to the Government of India Act, 1935, have been adapted accordingly and this Act will also be adapted accordingly.

The motion of Mr. Dhirendra Nath Datta that clause 60 (*a*)(*i*) be omitted was then put and lost.

The motion of Mr Aulad Hossain Khan that in sub-clause (*a*) of clause 60 after paragraph (*iii*) the following paragraph be added, namely:—

"(*iv*) any local authority or"

was then put and agreed to.

The motion of Mr. Aulad Hossain Khan that for sub-clause (*c*) of clause 60, the following sub-clause be substituted, namely :—

"(*c*) any land acquired under the Land Acquisation Act, 1894, for the use of any department of Government which is for the time being held by the Revenue authorities on behalf of that department, or,"

was put and agreed to.

The question that clause 60, as amended, stand part of the Bill, was put and agreed to.

Clauses 61 and 62

The question that clauses 61 and 62 stand part of the Bill, was then put and agreed to.

Clause 64.

The question that clause 64 stands part of the Bill, was then put and agreed to.

Clause 64A.

The question that clause 64A stand part of the Bill, was then put and agreed to.

Clause 64B.

Mr. AULAD HOSSAIN KHAN : Sir, I beg to move on short notice that for clause 64B, the following clause be substituted, namely:—

"64B. (*1*) The Bengal Non-Agricultural Lands assessment Act, 1936, and the Bengal Non-Agricultural Tecancy (Temporary Provisions) Act) 1940, are hereby repealed.

"Repeal of Bengal Acts XIX of 1936 and IX of 1940."

(*2*) All rents settled, records-of-rights or rent-rolls prepared, orders or notifications issued, suits or other proceedings instituted and other things duly done under the Bengal Non-Agricultural Lands Assessment Act, 1936, shall, in so far as they are consistent with the provisions of this Act, be deemed to have been respectively settled, prepared, issued, instituted or done hereunder."

The Hon'ble Mr. FAZLUR RAHMAN : I accept the amendment, Sir.

The motion of Mr. Aulad Hossain Khan that for clause 64B, the following clause be substituted, namely —

"64B. (1) The Bengal Non-Agricultural Lands Assessment Act, 1936, and the Bengal Non-Agricultural Tenancy (Temporary Provisions Act) 1940, are hereby repealed.

"Repeal of Bengal Acts, XIX of 1936 IX of 1940.

(2) All rents settled, records-of-rights or rent-rolls prepared, orders or notifications issued, suits or other proceedings instituted and other things duly done under the Bengal Non-Agricultural Lands Assessment Act, 1936, shall, in so far as they are consistent with the provisions of this Act, be deemed to have been respectively settled, prepared, issued, instituted or done hereunder."

was then put and agreed to.

The question that clause 64B, as amended, stand part of the Bill, was then put and agreed to.

Clause 65.

Mr. SURESH CHANDRA DAS GUPTA : Sir, I beg to move that in clause 65(1), line 2, the word "previous" be omitted.

I also beg to move that in clause 65 (1), line 2, after the word "publication" the words "and passing by the legislature" be inserted

Executive এর হাতে rule making power চলে গেলে আমাদের আইন সভার অধিকার খর্ব করা হবে সে জন্য আমার প্রস্তাব হচ্ছে Executive যে Rule তৈরী করে দিবেন আইন সভা তা দেখে বিচার করে পাশ করে দিবেন। তা না হলে অনেক সময় দেখা যায় যে আইন সভা আইনেতে যে অধিকার দিয়েছেন সে অধিকার কিভাবে ব্যবহার করা হয় তাহার নির্দেশ থাকে কিন্তু Executive যে সমস্ত Rules তৈরী করেন অনেক সময় দেখা যায় যে তা Reactionary হয়ে গেছে এবং আইন সভার সেটা বিচার করবার অধিকার থাকে না। সে জন্য আমি প্রস্তাব করছি যে Executive যে Rules তৈরী করবেন তা প্রয়োগ করবার পূর্বে এই Legislatureথেকে পাশ করিয়ে নিবেন।

Mr. MUHAMMAD ISRAIL : Sir, I beg to move on short notice that in sub-clause (2) of clause 65, for paragraph (a2) the following be substituted, namely :

"(a2) the limit of enhancement of rent referred to in sub-section (1) of section 13-I and the manner of determination of rent referred to in sub-section (2) of that section;"

Sir, I beg to move that in sub-clause (2) of clause 65, for paragraph (b) the following paragraph be substituted, namely —

"(b) the forms of the notices and the amount of the process fees referred to in section 14;"

Sir, I also move that in sub-clause (2) of clause 65 of paragraph (k), the following paragraph be substituted, namely.—

"(k) the manner of service of notices issued under this Act where the mode of such service is not provided in this Act."

These are, Sir, rule-making powers and I need not make any speech on these points.

The Hon'ble Mr. FAZLUR RAHMAN : Sir, amendment Nos. 257 and 258 relate to want of confidence in the executive. I do not think I can accept that position because the rule-making power should always remain with Government. I, therefore, oppose these amendments.

So far as amendments Nos. 263A, 263B and 263C are concerned, they are only consequential amendments and I accept them.

The motion of Mr. Suresh Chandra Das Gupta that in clause 65(*1*), line 2, the word "previous" be omitted, was then put and lost.

The motion of Mr. Suresh Chandra Das Gupta that in clause 65(*1*), line 2, after the word "publication" the words "and passing by the legislature" be inserted, was then put and lost.

The motions of Mr. Muhammad Ismail that in sub-clause (*2*) of clause 65, for paragraph (*a2*) the following be substituted, namely :—

"(*a2*) the limit of enhancement of rent referred to in sub-section (*1*) of section 14-I and the manner of determination of rent referred to in sub-section (*2*) of that section

2. That in sub-clause (*2*) of clause 65, for paragraph (*b*) the following paragraph be substituted, namely :—

(*b*) the forms of the notices and the amount of the process fees referred to in section 14 ;"

3. That in sub-clause (*2*) of clause 65, for paragraph (*k*), the following paragraph be substituted, namely :—

"(*k*) the manner of service of notices issued under this Act where the mode of such service is not provided in this Act,"

were then put and agreed to.

The question that clause 65, as amended, stand part of the Bill was then put and agreed to.

Preamble.

The question that the Preamble stand part of the Bill, was then put and agreed to.

The Hon'ble Mr. FAZLUR RAHMAN : Sir, I beg to move that the Bengal Non-Agricultural Tenancy Bill, 1947, as settled in the Assembly be passed.

Sir, I consider the passing of this Bill a unique achievement of this House. This is perhaps no less important than the Bengal Tenancy Act of 1885. It seeks to remove a series of long standing grievances of the tenants in urban areas. Honourable members may be aware that soon after the inauguration of the reforms the attention of Government was drawn to the desirability of improving the condition of the non-agricultural tenants in Municipal areas of the province, who under the existing law are liable to eviction from their holdings on the will of their landlords unless there are contracts to the contrary.

Accordingly Government appointed a Committee consisting mostly of the members of the legislature to investigate the rights and obligations of the non-agricultural tenants and recommend measures for their protection. The Committee submitted their report in 1941. On the basis of their recommendation Government undertook this legislation. I should like to say, Sir, that the Bill had a chequered career. In the last session it was referred to a Select Committee and I must say that all credit for the quick passage of this Bill is due to the honourable members of the Select Committee. Very helpful suggestions for improving the Bill were made at the Select Committee stage. The amount of zeal and co-operation shown by the honourable members in the Select Committee was really commendable and it was due to their efforts that our task in the House was rendered so easy. I must take this opportunity of thanking them as well as other members of the House, particularly my friends of the Opposition who have contributed greatly to

improvement of the Bill. The passage of this Bill shows what amount useful and beneficient legislative work can be done with expedition if l-will and co-operation are forthcoming from the Opposition. Indeed manner in which this particular Bill has been passed augurs well for future. I think both the Government and the Opposition can congrate themselves that their sincere efforts to give a very substantial sure of protection to a class of tenants who are most in need have come ruition. At the same time, we feel, Sir, that the legitimate interests andholding classes have also been safeguarded in the Bill.

Sir, I once more thank the honourable members of the House for their ere co-operation in the passage of this Bill and last but not the least respectful thanks are due to you, Sir, as you have conducted the ceedings of this House with resourcefulness which drew admiration m all sides of this House.

Mr. DHIRENDRA NATH DATTA: Mr. Speaker, Sir, I congrate the Government for the step they have taken, though I consider this be belated step, for having this Bill passed through the House. Really the year 1938 this side of the House introduced a non-official Bill like s and they have been pressing for the passage of the Bill, but, Sir, we e been able to pass this Bill in the form in which it has been done at st to the satisfaction of a large section of the people here after ten years d we hope that the Government will take steps that the Bill be passed o law. They must take immediate steps to send the Bill to the uncil and I regret the Government to have this Bill passed into law the present session of the Council. I know, Sir, that another Bill is ssing through the Council but that is a controversial Bill. This is a Bill hich gives rights to the tenants and we always seek to extend our co-peration to the Government when they take up any Bill which intends to ive rights to the poor tenants, but, Sir, we have not been able to extend our co-operation to a Bill which gives right to the Government. That is he position we intend to take, any Bill which seeks to give rights to the enants and poor people will be welcomed by us and we have extended our co-operation, as it is admitted by the Government, in respect of the passage of this Bill. Our request will be that this Bill be passed into law in the present session of the Council so that it may be a law of the country.

With this request I again congratulate the Government for passage of his Bill.

The question that the Bengal Non-Agricultural Tenancy Bill, 1947, as ettled in the Assembly, be passed was then put and agreed to.

The Hon'ble Mr. H. S. SUHRAWARDY : Mr. Speaker, Sir, I take his opportunity, before we disperse, to thank all members of this House nd I hope the Opposition will pardon me if I give some special thanks to hat section of the House that has supported the Government during this ery difficult session. We have passed probably the biggest budget that Bengal has seen and several legislative measures of very great importance. A Bill brought forth after very careful preparation that proposes to evolutionise the economic foundations of our society, which has taxed the nergies of our Secretariat as well as the Minister in charge of this Bill, has been referred to a Select Committee. Other major Bills have also been passed, thanks, as I have said, to the co-operation of all sections of the House. We have passed, Sir, through very difficult and anxious times hen nerves have been strained, tempers have been frayed; there have been heated debates and recriminations on the floor of this House but these I hope, have not left any sting behind. Fortunately, Calcutta is returning to normal and in Bengal also I see that there is a feeling, there is a desire for peace and for mutual co-operation. I hope, Sir, that all the members of this House, when they disperse, will do all in their power to maintain

peace and mutual co-operation among the people within this province whatever may be their political views, and will see that in no way lawlessness given any form of encouragement. I hope that nothing will be done in the way of demonstrations or hartals and so on which as we have seen always cause deterioration in the position which may once more bring about an unhappy state of affairs. Much work still remains to be done. We have not been able to push through in this session all the legislation which it was our desire to enact. But this sessions has already dragged on considerably and I do not think that this House is in a position to undertake any major legislation at the present moment with any degree of seriousness. We, therefore, Sir, propose to convene this legislature for the purpose of enacting further business not later than the 15th July and we trust, Sir, that at that time we shall be in a position to place before i all those other measures which will redound to the benefit of this province

Sir, before I close, I would like to tender thanks to you for the manner in which you have conducted the proceedings of this House, the manner in which you have kept the scales even between parties, while giving the Opposition a complete liberty to have their say within the bounds of propriety. Sir, much of the success of the session is due to the manner which you have conducted the proceeding of this House. Sir, I thank the honourable members of this House once more for their co-operation with the Government.

Mr. RADHA NATH DAS : Sir, before we prorogue this House I know one thing from the Chief Minister? It has been reported that Punjabi policemen have outraged the modesty of two women within the jurisdiction of Manicktolla police-station. I want to know whether the information is correct. If so, what steps Government propose to take in the matter.

The Hon'ble Mr. SHAMSUDDIN AHMED : We have heard many things about the Gurkha police. No reply is necessary to his question.

Mr. SPEAKER : I am thankful to the Hon'ble Leader of the House and also to the Hon'ble Revenue Minister, for the kind words used about me. I am grateful to each individual member of this House, specially to the Leaders of the parties for the assistance, courtesy and cordiality which I received from them throughout this session. If any member feels that the Chair was harsh on them on any particular occasion, I hope they will realise the onerous duty of the Chair which he has to do, and the nature of the unpleasant task placed on him by rules of the House adopted by the members for their own benefit, for their own interest and for the dignity of the House. I hope they will forgive and forget. Before we depart I hope the honourable members will go home and work for establishing better feelings and better understanding between members and members, neighbours and neighbours, community and community, so that we may come back when we assemble here again with brighter future, better understanding and a feeling of friendship and cordiality. I wish every member good health and well earned rest after this long session which is sitting for more than three months.

Prorogation.

Mr. SPEAKER : I have it in command from His Excellency the Governor that the Assembly do stand prorogued.

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